

THE LOUISIANA HISTORICAL QUARTERLY

VOL. 10, NO. 4

OCTOBER, 1927



Entered as Second Class mail matter June 6, 1917, at the postoffice at New Orleans, La., under Act of August 24, 1912.

Subscription \$2.00 per annum, payable in advance. Address Louisiana Historical Quarterly, Cabildo, New Orleans, La.

*Ramires-Jones Printing Co.,
Baton Rouge, La.
1928*

OFFICERS
OF THE
LOUISIANA HISTORICAL SOCIETY

GASPAR CUSACHS, President
EDWARD ALEXANDER PARSONS, First Vice-President.
ANDRE LAFARGUE, Second Vice-President.
JAMES A. RENSHAW, Third Vice-President.
WILLIAM O. HART, Treasurer.
HENRY P. DART, Archivist and Editor.
J. MITCHELL PILCHER, Recording Secretary.
HENRY M. GILL, Corresponding Secretary.

Executive Committee

Edward A. Parsons, *Chairman*, Gaspar Cusachs, James A. Renshaw, Andre Lafargue, W. O. Hart, Henry P. Dart, J. Mitchell Pilcher and Henry M. Gill.

Editor Historical Quarterly

HENRY P. DART, 1822 Canal Bank Bldg.,
New Orleans, La.

Advisory Editorial Board

MISS GRACE KING
JOHN S. KENDALL

PERCY SAINT
GEORGE C. H. KERNION

TABLE OF CONTENTS

VOL. 10, NO. 4

OCTOBER, 1927

DR. JOHN SIBLEY OF NATCHITOCHES, 1757-1837.	
Sketch of His Life, by <i>G. P. Whittington</i>	467
The Journal of Dr. Sibley, July-October, 1802, Covering Visit to New Orleans and up the Mississippi River to Natchez	474
Letters of Dr. Sibley to His Son, 1803-1821.....	498
Letters of Dr. Sibley to Christopher C. Baldwin of Mass- achusetts, 1832-1835	508
CARONDELET'S LEVEE ORDINANCE, 1792.	
Translated by <i>Laura L. Porteous</i>	513
LAURENT MACMAHON, FIRST COUNCILLOR, SUPERIOR COUNCIL OF LOUISIANA AND DIRECTOR COMPANY OF THE INDIES AT NEW ORLEANS, 1730-31.	
By <i>Henry P. Dart</i>	517
INDUCTION INTO OFFICE OF LAURENT MACMAHON, 1730.	
Translated by <i>Heloise H. Cruzat</i>	529
EDICT OF DECEMBER 15, 1721, FOR APPOINTMENT OF DUAL TUTORS TO MINORS IN LOUISIANA.	
Translated by the late <i>William K. Dart</i> , with introduc- tion by <i>Henry P. Dart</i>	533
DOCUMENTS CONCERNING BIENVILLE'S LANDS IN LOUISIANA, 1719-1737. Fourth Installment.	
Translated by <i>Heloise H. Cruzat</i> , with introduction by <i>Henry P. Dart</i>	538
BOOK REVIEW.	
Fleming's "The Freedmen's Savings Bank," by <i>James E. Winston</i>	562
EDITOR'S CHAIR—Surrey's Calendar of Manuscripts in Paris Relating to the History of the Mississippi Valley Under the French Dominion, by <i>Henry P. Dart</i>.....	
	564
RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA, XXXVI.	
By <i>William Price</i> and <i>Heloise H. Cruzat</i>	568
INDEX TO SPANISH JUDICIAL RECORDS OF LOUISIANA, XIX.	
By <i>Laura L. Porteous</i>	588
INDEX TO VOLUME X, LOUISIANA HISTORICAL QUARTERLY	

THE SECRET OF THE

THE LOUISIANA HISTORICAL QUARTERLY

VOL. 10, NO. 4

OCTOBER, 1927

DR. JOHN SIBLEY OF NATCHITOCHES, 1757-1837

By G. P. WHITTINGTON,

Of the Louisiana Bar, Alexandria, La.

When John Sibley crossed the Charleston Bar in July, 1802, bound for the Spanish Possession, Louisiana, he started on a journey to a new country where he expected to better his condition in many ways. He little expected that he would simply immigrate from one part of the United States and take up his residence in another, for this didn't seem to be his idea. He seemed to be trying to get away from conditions in North Carolina and wife number two.

His move to Louisiana was just at the time when the change of ownership was about to take place; he was familiar or represented himself to be very familiar with the whole section of what is now the State of Louisiana, and to know all of the Indian tribes residing therein. He had traveled up Red River to the neighborhood of the present City of Shreveport. He knew something of the lands around Natchitoches and there he settled and made his home. He profited by his appointments, and also by his business and trading ability. He was therefore successful. Being successful he made some very close friends and some very bitter enemies, the latter seemed to be in the majority or to have the most influence.

Dr. John Sibley was born in Sutton, Massachusetts, on the 19th day of May, 1757. He was a descendant of a long line of old rock-ribbed New Englanders, his ancestors having moved to America about the middle of the seventeenth century. His father was an ardent patriot, and the son followed in his footsteps and joined the Continental Army and served through the Revolutionary War. He held the position of a Surgeon's mate.

After independence was accomplished Sibley moved to Great Barrington, Massachusetts, where he entered upon the practice of his profession. It was while here that he married Miss Elizabeth Hopkins, about 1780. From this marriage there were two sons born, George C. Sibley, April 1, 1782, and Samuel Hopkins Sibley, 1784. How happy this marriage was seems to be doubtful, but in 1784, Dr. John Sibley left his wife and two children in Great Barrington, Mass., and journeyed to Fayetteville, North Carolina, where he took up his residence and began to build his fortune. He established a newspaper in North Carolina, and was soon engaged in acquiring farm lands and town property. His wife and family joined him in Fayetteville, where they made their home until the death of Elizabeth Hopkins Sibley on October 25, 1790.

Many charged that Dr. Sibley deserted his family in Massachusetts and that his wife never saw him after he left that State. This does not seem to be the facts, for this little newspaper clipping now in the possession of Lindenwood College, seems to tell a different story:

Died. This morning, Mrs. Elizabeth Sibley, the wife of Doctor John Sibley and daughter of Reverend Samuel Hopkins of New Port, Rhode Island. She has left a husband with two little sons to lament her death. As a wife, a Christian and friend she was exceeded by few; but as a mother, by none. The inhabitants of Fayetteville are requested to attend her funeral to-morrow at eleven o'clock in the forenoon, from the house of Doctor Sibley to the place of interment. 25th October, 1790.

Dr. Sibley remarried on November 10, 1791; this time he married a widow, Mrs. Mary Winslow, born White, widow of Edward Winslow. She died October 25, 1811, at Fayetteville, North Carolina.

Sibley says that he lost his home and newspaper at Fayetteville, just before he moved to Louisiana, and in Louisiana he suffered a similar loss. Whether it was the loss of the house and printing office, or the hopes of going to new fields where he could better his condition, or whether it was family troubles, we do not know, but we do know that he moved to Louisiana and we find in his diary statements that would lead one to believe that all was not as nice at home as should be, such

as, January 1st, 1810—"I wrote Mrs. Sibley a New Year's letter and sent her a draft for \$100.00."

January 1st, 1811—"Sent Mary Sibley a draft for \$100."

There were two children born of this marriage, one was Henry Robert Sibley, who became a Doctor and resided in the Parish of Rapides; the other was a daughter, Ann Elizabeth Sibley, who married Josiah Stoddard Johnston, United States Senator from the State of Louisiana, and after his death she married Henry D. Gilpin of Philadelphia.

Dr. Sibley contracted a third marriage in November, 1813. By this wife (Eudalie Malique) he had four children. The descendants of these three marriages were numerous, and are scattered over the United States.

All of the children of Dr. Sibley either lived near him or kept in close touch with him by letter, as we find today by the numerous letters written by him to his sons George C. and Samuel Hopkins Sibley, and the numerous references made in these various letters to other members of the family.

Dr. Sibley arrived in New Orleans about the 18th day of September, 1802, and here remained until the first of October. During his stay in New Orleans he busied himself visiting various people of standing in the community and forming an opinion of the City, its people and their customs. All of this he confided to his diary and today it makes interesting reading and affords a view of society, business and conditions different from any others that we possess.

On the first of October he embarked upon a barge for Bayou Sara and from that place he expected to travel by land to Natchez. He was armed with letters of introduction to nearly all of the people of importance residing along the Mississippi, in West Florida, and in the part of the present state of Mississippi south of Natchez. Among the number were Major Stephen Minor, Governor Winthrop Sergeant, Sir William Dunbar, Philip Hickey, David Bradford, Dr. Young of Pointe Coupee, and Isaac Johnson. He arrived at Washington, Mississippi, on October 17th, and called on his old friend and former acquaintance Judge David Ker. It was at Washington and in the home of Judge Ker, that Sibley met William Charles Cole Claiborne, the territorial Governor of the Territory of Mississippi, the future territorial Governor of Orleans Territory and the first Governor of the State of Louisiana. This

meeting resulted in the formation of a friendship that lasted during the life of the Governor.

When the United States purchased Louisiana, and the President was seeking information from any one who might give him detailed description of the territory that had been recently purchased, the character of the territory, the Indian Tribes existing within its borders, and above all, Indian vocabularies, he appealed to Governor Claiborne, Daniel Clark, Sir William Dunbar, and many others. Claiborne knew Sibley, and Sibley had impressed him with his knowledge of Louisiana, the Indians, and the worth of the new country, and he in turn brought Sibley to the attention of the President and a correspondence was opened that resulted in Sibley being an office holder and political factor in the new territory.

Dr. Sibley made a journey up Red River in March, 1803, and as was usual with him, kept a diary or journal of his trip. A copy of this journal was furnished General Henry Dearborn, Secretary of War and was published in the *Annals of Congress*, Ninth Congress, Second Session, and in *American State Papers* (Gale & Seaton Edition), Vol. 1, Indian Affairs. He also prepared and furnished the President with "Historical Sketches of the Several Indian Tribes in Louisiana South of the Arkansas River, and between the Mississippi and the River Grande." This was published in the same publication as the journal above referred to. Sibley was requested by the President to obtain for him vocabularies of the Indian Tribes residing in Louisiana, other than the Attakapas and Chatamackas, for these he had. These vocabularies were promised; whether the promise was ever fulfilled, I am unable to say.

Sibley went to Natchitoches in 1803, and made it his home. When the United States took charge of the purchased territory, a detachment of troops was sent to Natchitoches and stationed in the fort to protect the citizens and country against the Indians and to keep the Spanish out. The Doctor received his first reward for information given, by being employed or appointed as a contract surgeon to care for the troops stationed at Natchitoches. This position he held off and on until 1807 or 1808. He was requested to do such work as he could among the Indians, to keep them friendly with the United States, and in 1805 he was commissioned as Indian Agent for Orleans Ter-

ritory and the region south of the Arkansas. This position he held until 1815, when he was removed for cause and Thomas Gale appointed in his place. The old gentleman seemed unable to understand why he had been removed, and from a letter addressed to his son George C. Sibley, he seemed unable to get the Department of Indian Affairs to assign a reason for his dismissal. As Indian Agent Sibley was very active holding numerous conferences with the Indians of his territory, and counteracting the efforts of Murphy, Davenport, Barr and Smith of Nacogdoches to move the Caddo and other friendly Indians into Spanish territory.

The Journal of Bernard La Harpe, or the Journal Historique de L'establissement Des Francais a la Louisiane, in manuscript form was found by Dr. Sibley in the home of one of the old residents of Natchitoches and the attention of President Jefferson, through Claiborne, was called to this discovery. Sibley was requested to have copies of this manuscript made and forwarded to Washington. Two copies were made at that time but what has become of the original is an unanswered question.

Sibley engaged in the practice of his profession in Natchitoches. He bought a great deal of property, some of which is now in the heart of the City of Natchitoches, the other is located on both sides of Red River and is as fine land as can be found in that section of the State.

He was named as one of the advisers of Governor Claiborne, and after Louisiana became a state he was elected as a member of the State Senate. He became a Parish Judge and a Colonel of Militia.

As a planter he was very successful and we find that he was able to ship thirteen bales of cotton to New Orleans on May 12th, 1810. He had large cattle ranges and was engaged in the manufacture of salt that was shipped by barge and wagon to Mississippi and parts of Louisiana. The salt works that he operated were the same known for years as the Drake Salt Wells in Red River Parish in Section 21, Township 13 North, Range 5 West, and were on lands formerly belonging to Mr. Postlethwait. These wells or springs had been known for many years before Sibley came to Natchitoches. In fact, when the land surrounding them was granted it was with the stipulation that other people could cross over it for the purpose of going to the

springs to make salt. The Indians before the coming of the white people had a regular salt trade with the other tribes beyond the Mississippi.

Sibley was a successful business man and when he died in 1837, he left a large estate to be divided among the three sets of children that resulted from his three marriages.

Dr. Sibley aside from the journal and the sketch of the Indians above referred to made many reports of his activities as an Indian Agent in the State of Louisiana. One of these reports has been printed under the title of "A Report from Natchitoches in 1807, by Dr. John Sibley," (Museum of the American Indian, New York, 1922). He wrote many letters that are now in the possession of the Missouri Historical Society, the American Antiquarian Society of Worcester, Mass., and Lindenwood College, St. Charles, Mo. This college also owns the journal that is published in this number of the Quarterly.

This journal was found among the papers of Major George C. Sibley of St. Charles, Missouri. Major Sibley was the eldest child of Dr. John Sibley. He was appointed Indian Agent in Missouri in 1808, and was located at Fort Osage. In 1827, Major George C. Sibley and his wife, Mary Easton Sibley, established a school for girls at St. Charles, Missouri, which they called Lindenwood. Major Sibley left all of his property to this little college, and this journal was found among the papers left by Major Sibley and forms a part of what is known as the Lindenwood Collection of Sibley Manuscripts.

When preparing for the celebration of the 100th anniversary of the founding of this college, the journal was found by Miss Lucinda de L. Templin and brought to my attention. I am under obligations to her for having obtained the copy from the college and for having obtained their permission to publish same.

There appears to have been several copies of this diary made by L. Sibley and I believe that each member of his family was furnished with a copy of the seven little books. George C. Sibley had two copies of Number 1 and 5. These memorandum books are marked "Memorandum Book. Dr. John Sibley, No. 1, in 7 Numbers," the other is marked "Memorandum Book. Dr. John Sibley, No. 5, In 7 Numbers." In a letter written to his son, Hopkins, February 28, 1803, he said: "I keep a journal of my travels with pretty lengthy remarks

——" (Sibley Mss. Mo. His. Society). June 30, 1807, writing to the same son he says: "I did intend to have followed up to Henry more regularly extracts of my journal——"

The missing journals, or parts 2, 3 and 4, cover the period of time beginning with 1803 and ending with 1809. During this time Natchitoches and Western Louisiana became a part of the United States. The Spanish troops at the fort at Natchitoches gave place to soldiers of the United States. Dr. John Sibley became a contract surgeon to look after the men stationed there and later the Indian Agent for Orleans Territory. It was in 1806 that Wilkinson came to Natchitoches to take command of the forces of the United States and protect the country from the Spanish Army that did not exist. Here he met Samuel Swartmout with the famous letter, from Burr to Wilkinson, that was transcribed by Wilkinson in so many different ways that its real contents were never known. From Natchitoches the General dispatched his agent to the City of Mexico to try and obtain a further bribe from the Spanish Viceroy. The agent was sent home via Vera Cruz without the cash. Sibley refers to conditions at Natchitoches in some of his letters dated 1806. Then he believed in Wilkinson. In 1807 he changed his opinion and his impression seems to be the one that has followed the General to the present day. It was during this period that Casa Calvo visited Natchitoches and passed Major Porter by and journeyed to New Orleans.

Parts 6 and 7 began with the year 1815 and ran through the closing years of his life.

Sibley talked very freely to his journal and the finding of these lost journals might give us an insight to the conditions on the Sabine, in Wilkinson's camp and at Natchitoches in 1806-1809 that might make the re-writing of the history of the Louisiana-Texas Frontier necessary.

It is to be hoped that the printing of the journals that we have found will awaken an interest in this subject and that it may bring to light the missing volumes or memorandum books of Dr. John Sibley and that they also will be printed.

**THE JOURNAL OF DR. JOHN SIBLEY
JULY-OCTOBER, 1802**

Covering a voyage from Charleston, S. C., to New Orleans, his stay in that city and his journey up the Mississippi River coast by barge, horse back and on foot from New Orleans to Washington in Mississippi Territory.

Copied for Mr. G. P. Whittington from the original Journal in possession of Lindenwood College, St. Charles, Missouri and printed with its permission.*

1802

WEDNESDAY, 21ST, JULY. Left Charleston Bar 12 or 13 days, Course E. by S. then W. toward Hole in Wall, 17th day met 3 French & 3 English ships of War, an officer from an English 90 came board of us to see if we had anything to sell them that they wanted, had nothing, he gave us both Latitude & Long. (viz) Long. 71.12. Lat. 26.12. 22d Made hole in Wall, Lay too all Night, Next Morning entered on Bahama Banks, Kept too far S. & E., Stuck 3 times.

SATURDAY, AUG. 21ST in morning made Cuba Shore, Mantanzie Hills before Sunset Same Day passed Havannah, prospect Beautiful & Strong. Ran down till morning being opposite Saddle Hills on Post Mared (or Bay) Bore away for dry Tortugas, spoke Spanish, Brig from Bilboa, they had lost top mast, gave them one. Next day, Monday, spoke Capt. Bennet of Newbern from Jamaica. Same night on Soundings. Steered W. to Give Tortogas a birth. Continued our course North to make Lat. 29 North Mississippi. Steered W., spoke in evening ship from Boston, Capt. Darling, Near Mouth River. Ran by it next morning, made landing 7 o'clock A. M. at Woods Bay, 20 Leagues N. W. of Fort Balise. Two days beat about, did not know where we were. 3d Sent Boat ashore, found a Spanish Settlement, got information.

SUNDAY 6TH SEPT. made Land on Mississippi, South West Pass Argil Pilot came on Board, could not get in till Wednesday morning. Got safe to Anchor in the Channell in deep water & Pilots left us told us the course shot from the River Near 3 Leagues, wind ahead, could not proceed, found water nearly fresh but muddy, used it, could see nothing but hillocks of Land here & there formed by Logs, where any soil loaded with tall cane, wild Peas, Grap, Saphire & a great variety of luxurient vegetables, the water filled with Fish, Porpusses, Turtle, etc. etc., loaded with

*This document is printed without alterations or changes except to divide it into paragraphs for more convenient reading.

birds, the greatest number Pelicans, the Spanish Pilots told us they were "Pro bone Mange," that is good to eat.

12 o'clock Wednesday wind came round fair, weighed Anchor & got under way. Arrived the Great River about 9 o'clock evening, a beautiful Channel, distance 6 Leagues, all the way & plenty of Water, 40 or 50 feet,—about half a mile wide, the course generally straight & Bearing E. N.E.—no trees on either Bank except here and there an evergreen bush; but a thick cane make the Land appear not more than three feet above the water—At the great River where the S.W. Passage Came in it is near three miles wide, occasioned at that place by the two other passes coming in just below the River Generally appears to be about a mile wide from the confluence of the Three Passages to the Fort at Balize is 6 miles or Larger & deeper Channel, the S.W. Passage that we came in at the Tide appears to rise about three feet.

THURSDAY 9TH, SEPT. The Wind Came around so that we made Sail & by 6 o'clock came to Anchor a mile below the Fort at Plackamen,¹ which is Ten Leagues from the Fort at the Balize. The Commandant here is a Frenchman, a Native of this country, has a wife & a daughter grown. The Fort is on the East Side at a Turn in the River affording a View down the River 2 Leagues. Next the Water it is done up with Logs like a wharf within that is a ditch Surrounding the Fort & within the Ditch a Brick Wall on which the Guns are placed. Within the Brick Wall there is the Commandants House, a wood building, some smaller Out Houses, a Store House & Some Barracks—we understood there were 50 men kept there. Where we Lay in the River we could hear & See every thing done in the Fort, could hear the Clock Strike, the Cocks Crow & Dogs Bark.

On the West Side of the River there is a small young growth not more than 15 or 20 years old. The Trees are very thick. Look like willow. Some Water Oak & Sycamores among them, the Land not more than three or four feet above the River, which at this time is very Low from the River to the Sea on this side is 3 Leagues on the other Side it is only 1½ mile & an entire Cane Break, opposite the Fort is 4 or 5 houses & small clearings Dike'd in by a Ditch about 3 feet deep & a Bank to keep the River out in time of Freshes. Here we went to Shore & Bought a Beef, but could get nothing else that we wanted. The House we went to was a Frenchman's, twas built of wood, one story high, coarsely done, but the apartments Large & Airy & Clean, white washed, & appeared to Live in Plenty, were Hospitable & Sociable; had Excellent water to drink that was Taken up from the River & kept in Large Jars to Settle & Cool. At this House were the Wife & Daughter of the Commandant at Balize, the mother had a whitlow on her hand and had come up to the Doctor at the Fort with it. Some of the Ships People called me

¹Plaquemine.

Doctor. She opened her hand for me to look at it, I did so & gave her some advice. She is a Spanish woman, speaks French & English a little, clean & plane—her Daughter appeared about 20 of easy manners, handsome person, tolerable complexion, appeared as well bred as though she had been Educated in any Town in the United States. She spoke some English but did not like to speak it—she was free & sociable & unreserved as a French Lady.

On the West Side of the River Nearly opposite Plakamen² Fort is a small Fort where are 15 men & a Sergeant. The River makes a Considerable Turn just above this Fort to the Northward, on the West Side near the turn is a plantation abounding with every thing—It is impossible to conceive any Soil Richer than it is on Each Side the river it is all made Land the foundation heaps of Logs Brought down in times of a Fresh in the River. It Cannot be cultivated without embanking out the River, digging would be retarded by the Large Logs buried every where, below the Surface as well as upon it the Ground is not a Marshy Bog like the Rice Lands in Carolina, but an even Solid Soil of a dark Copper Color, of a depth unknown, the finest land in the world if it was a little higher.

We remained at Anchor opposite the Fort till Sunday Evening, went Ashore again Twice during the Day, the Frenchman at whose house the Commandant's Wife & Daughter were, came on Board & invited us ashore, he speaks some English. Sunday evening the Ship Mary from Boston, Capt. Darling, Came up with us & made fast to a tree just below us, we got out a Warp at Dusk and Warped about a Mile so that the Same Wind we had had two days before would be fair.

MONDAY MORNING, 13TH SEPT. made Sail and got about 15 miles. The wind dyed away, the Land on Each Side alike about 4 feet above the River, some Scatering Houses, People looked like New Settlers, Nothing Richer than the Soil, some Live Oaks appear, the Growth generally Sallero, Cotton tree, some Myrtle, here & there a Sycamore & Cypress, the Land appears from the Mast head not more than a mile wide from the River in many places from the River the Land is Lower and towards the Bays Cane Breakes—the Growth is all Small, Scarcely a Tree that appears to be more than 20 years old.

Tuesday we had a fair wind part of the day, got on about 5 or 6 Leagues, the Ground begins to be growing gradually higher and the Trees larger. Passed by a Settlement of French People, about 12 plantations, Neat, Low, Small Farm Houses, have Large Stocks of Cattle & Large Size. Raise some Indian Cain, Rice, Sugar Cane, Orange & every kind of Vegetable that grows in any part of the United States. Nothing is put in the Ground that don't grow in the most luxuriant manner. Here a small Banke

²Plaquemine.

2 or 3 feet high keeps the Water of the River in its Channell at all times, the width of the River about $\frac{3}{4}$ of a mile wide—the depth from 50 to 5 or 600 feet.

Wednesday, continued up the River as far as the English Turn, the plantations are closer for the last 20 miles they are within half a Mile of each other. The houses all after the same fashion, one story, wood, large on the ground, a Hall & 4 chambers, piazzas on all Sides and almost all painted white. The Out Houses well built & Convenient, all French. Oranges in Great Plenty at almost every House, but very little of any other kind of fruit.

At the English Turn W. Young, a merchant of N. Orleans, to whom the Brig. was consigned met us he heard we were in the River, he came in a Chair, he lost his Horse, came on Board, stayed a night, next morning came on the Wind, light warped a League.

Sugar plantations begin from the Turns which is about 18 Miles from New Orleans they are about half a Mile apart on the River and extend back as far as the Owner Chooses for there is but one Row of Settlements on Each Side the River & Never can be more when Land is Granted or Sold, it is measured in Front, the extent back indefinite, bounded by the Lakes which are Salt Water & connect with the Ocean or Gulph of Mexico.

The Land on the River is highest but it would all overflow at times was it not for the Bank or Levy (as it is called) that is thrown up all along next the River about 3 feet high, the owner of every Plantation is Obligated by the King to keep these Levys in repair or forfeit his Estate which is the only Tax they Pay, they pay nothing neither for obtaining a Patent—There appears no difference in the Land, or Reason for Perfering one place to another. The Pine Barons in Carolina afford as much Variety as the Land on the Mississippi, one as uniformly Rich in the extream as the other is Poor.

From the Fort at Plakamen to New Orleans there is not a Creek nor Brake of the Bank of the River on either Side the distance about 70 miles—there are several saw Mills along the bank of the River, they are made by Diging a Race from the River to the Bay back of it, about 10 or 12 feet Wide & 5 or 6 deep. A Rock is fixed at the River & the Mill 50 or 100 Rods down the Race. They only work in time of Fresh, which is from 6 to 10 or 12 weeks in the year. The Logs come down the River & are caught the Lumber made is Generally thin Poplar Boards for Sugar Boxes.

The Sugar Plantations between the Turn & the City are in Number about 20, they all join, the works are very expensive, Generally Brick, well built and Three Large Houses for each work, everything exhibits a show of wealth. The owners are all French.

We arrived at the City at 7 o'clock Saturday morning. We Arrived at the City of New Orleans & Landed from the Long Boat on the Levy just above the Market, the Morning was pleasant & the Town & Shiping in the River, the Shew of People in the Market & on the Levy, all conspired to excite an idea of the importance & population of the place, there is about 40 Sail of shiping in the River, large proportion of them Square Rigid vessels.

The Town is Large, Regularly Lay'd off and well built, many of the Houses Elegant, cost in building 40 or 50,000 dollars, mostly Brick or Stone Covered with tile and Plaistered, outside & in the Fronts Generally painted White & Look Well & full of People. I was informed fifteen Thousand was the estimate of Population & of these Seven Eights are French, the People now Generally Look healthy, tho the most Sickly Season in the year.

There are they Said many more women than Men and are Generally Handsome, gentealy dressed, of affable & easy manners & Live in a French House, their Houses, Beds, Eating and drinking are all very different from the English or Americans. The House is Called Madam Flemang's tho she has a Husband who comes to Eat & Sleep in the House; but a Stranger would take him for a Boarder, he minds his Store Shop and she her House, I believe it a reputable House for its is frequented by Ladies of Very Genteal appearance as Visitors.

There is One Large Church³ Open Every Day, Sundays they begin to go at Sunrise & are Constantly going & returning all day, few Gentlemen except the Officers attend but the Ladies Generally go Once a day in high dress, in parties, stay about a quarter of an Hour & return, as one goes out another party comes in, there are five or Six Priests & friars with Long Beards, Big Hats and their Robe tied round the Middle.

There is a Nunery,⁴ but am informed there is only about 40 who have taken the Veil, Young Girls are educated there,

There is a Theatre which is not opened at this Season of the year only by some Rope Dancers & not much frequented. Neither the House Nor Scenery have any Claim to particular Notice.

The Streets are Lay'd parallel with the River, are about 40 feet wide, intersected by Streets at right Angles, paved with tile along one foot way the middle unpav'd, a Gutter between the foot way made by three pieces of Timber, the top being even with the pavement is Usually Walked on.

The Levy is the Wall in the Evening if it is pleasant every body is seen Walking on it of all Ranks & Colors, joseling One Another without distinction and One Scarcely hears a word but French spoken.

Few parts of the world Can exhibit better looking People of both Sexes or better dressed or a Greater variety of Com-

³St. Louis Cathedral.

⁴Ursuline Convent.

plexion. There are a Number of what are called quadroons, many of them almost white and all free. They are prohibited from intermarrying with whites & they *will not* marry mulattoes. They prefer being kept misstresses which is assign'd as a reason for there being such a number of Single Women in this Country.

21ST. SEPT. Disappointed in getting a passage up the River in a Barge that I expected, wrote a letter to Mr. Ker^s &., one to Mr. Boyd at Natchez by a Mr. Baitton, who lives there, requested Mr. Ker to Send me a Horse to meet me at Point Cupee.

Sat out to go to the Buyo, Sweeny with me, meet a funeral attended by 5 or 6 friars Habited, they appeared to have on a Black Petticoat like a woman, only a little shorter, they had shoes without Stockings, a White Frock that came about the Knee, a kind of hood or Cap, a long Beard, their hair on the heads all cut off and heads shaved, 4 or 5 Boys in the Same dress, Carrying an image & Cross, a Person Carrying the Corps on his head (twas a child) in a White Box, followed by friends. They walked as the place of Interment they had no grave ready, two men came in with a Spade & Hoe, they took charge of the Corps and all the People returned & left them to Bury it as they pleased, excepting One Friar who Stayed to See it done.

Visited the Hospital, tis a Large Old Building in form of an H, did not go through it, walked about a Mile on the bank of the Canal that leads from the Back Streets of the Town near the Hospital into the Lake Porchartrain, which is Salt Water only 1½ mile from the City small Coasting Vessels from Mobile & Pensacola come up this way, Boats come from thence through the Canal into the Town, this Canal Receives all the Water from fast as they could & singing at Intervales, when they arrived at the Town drains from every Street Leading into it, the Levy prevents any communicating with the River.

The River Water is used invariably for every purpose, it is taken out above the Town & brought in Carts to every House & Sold, when kept in jars & filtered it is Clear, Cool & pleasant as any Water can be & no doubt wholesome. Many use it as it is taken from the River, but it is not Cool and has a Milkey appearance.

The Houses are all Small & very deer, a House that in North Carolina might be bought for \$100 would Sell here for \$250.

There are but few carriages & those very heavy & coarse with very mean Harness. Mules are used in the Carts as well as Horses & Oxen, tho Mules are likely and Sell very high \$2. or \$300. Oxen are likewise Large in good order & work well, are

^sDavid Kerr or Ker was born in Ireland although a member of the Scotch family of Kers. In 1790 he was residing at Fayetteville, North Carolina, a minister in charge of a classical academy. In 1794 he was a Professor at the University of North Carolina. He removed to Lumberton, where he studied law. In 1800 he moved to Mississippi and settled at Natchez where he was appointed Clerk of the Court, then Sheriff and last a Judge. He died at Natchez in 1810.

work'd by the Horns, the Yoke placed on their Necks just back of the Horns and a Leather Strap round each Horn & fastened to the Yoke. The carts are very Heavy, wheales high without Iron and the felly 6 or 8 inches wide. The Streets being unpav'd & the Strong Clayey Sod would in Rainy Seasons be impassible were the owners of Carts not obliged to use the Wide Felly.

The ground floor of all the Houses are Occupied by Stores & Shops, the families live on the Second Floor, the back yards and alleys are all til'd with hard square tile 6 inches Square.

The Common drink is Red French wine & water. The Market was at this time but indifferently supported and Sewee Beans and Radishes are the most that is to be seen in plenty. Eggs are plenty and the Dish they Call Gumbo which is made principally of the Ochre into a Thick Kind of Sloop & Eat with Rice, it is the food of every Body for Dinner & Supper, the Beef is not good, nor are the fowls, the fresh Pork is good but the Mutton excellent. I saw no Bacon or but little butter. The Bread is excellent, made of Flour from Ohio, tho have heard much complaints of its souring & being full of weavels.

In Winter am inform'd the Market is very different, the Large Boats from Kentucky, Illinois bring down almost every thing. I think a person might make a fortune by a Vegetable Garden to supply the market, the planters near the Town are too wealthy to attend to so small matters, their Sugar Plantations Occupy their attention. Their is but one Row of plantations on each side the River for about 250 Miles.

New Orleans I am informed is plentifully supplied with Oysters in the Season of them from the Bays on Each side of the Town within 3 or 4 miles, said to be large and well flavour'd the price is fixed by Government at 4 bits or half a dollar & hundred Fish are plenty.

THURSDAY, 23RD SEPT. Mr. Sweeny my Fellow Passenger and myself Walk'd as far as the Buyo, as it is Called by the French,* which is an Arm of the Sea or Creek that comes from Spiritu Santo Bay** from the Town to the Bay is about Seven Miles. The Buyo comes up within a Mile and half East of the Town. Small Coasting Vessels from Mobile & Pensacola come up here, I counted fifteen Sail then Laying in the Buyo of Small Skallops & Schooners from the Buyo there is a Canal dug up to the Back Street of the Town & a Bason within 50 yards of the Hospital, Boats & Small Schooners come through the Canal.

The street or Road that Leads from the Town to the Buyo is all the way Built on within 50 or 100 yards, several Handsome places with Orange Groves & Gardens, the ground a very strong Clay Soil sworded over with Beautiful fine grass & clover; but

*Bayou St. John that rose in the area of the site of New Orleans and emptied into Lake Pontchartrain.

**This is the first time we have seen this name applied to Lake Pontchartrain.

has been all dug up by Ancient Irregular fortifications and Ditches to drain the Lots & Carry off the Water. I saw a lot of about 6 or 8 Acres in Beautiful Meadow Grass as I ever Saw & People mowing & Making Hay in it—at the Buyo are about 50 Houses & some Appearance of Business. Some Brick & Tile yards, Blacksmiths, etc., over the Buyo is a well built Ballance draw Bridge so constructed that Two Men can Raise it in half a Minute for a Vessel to Pass,

Along upon the Buyo above & below where the Vessels Lay are several Gentlemans Country Seats as they Call them, they are Handsome places and some of them have Large Clear'd plantations joining. The Water in the Buyo is on a Level with the Sea, the tide Rises in it about a foot from the River to the Buyo is a decent of Eight feet, all the Water from the Streets of the Town is Carried into the Canal which communicates with the Buyo, the Ground along the Buyo is dryer than about the Town as the Water more readily Runs off, but there is no spot more than five or six feet above the Level of the Sea.

This Inlet would be much used as vessels would in an hour or two be at Sea but there is a Bar at the Entrance of the Bay from the Buyo of only about 7 feet Water at high Water and the Channel for some distance through the Bay is Narrow, so that there would be no Saving a vessel that was caught there in a Storm—In this Bay are the greatest plenty of very large Oysters & here they get shells for Lime. Those that I saw are mostly small cockle shells. Oysters & Shoals are too as convenient to the Town on the West Side of the River as Arm of Woods Bay comes within 2 miles of the Town—Woods Bay Abounds with the finest fish & Turtle, the water is smooth and a Bold Shore all around, guarded all round by the Land, except at the Entrance—We were in it three days.

24TH. Din'd with Mr. Hewling,⁷ American, the Consul. He has lived in New Orleans Thirteen years, he formerly practic'd Physic here but does not now. He appears to be Largely in the Merchantile way in Copartnership with a Mr. Morgan.⁸ Mrs. Hewling, a Philadelphia Lady, has no Children, is very affable

⁷William Empson Hulings was born in Philadelphia, Penn. He was named as Vice Consul, at New Orleans, by President John Adams, on March 14, 1798, and the nomination was confirmed by the Senate. He presented his commission to Governor Manuel Gayoso DeLemos, June 25, 1798, who admitted him to the exercise of that office. The Captain General of Cuba, refused his consent, and in this he was sustained by the Spanish Government. Evans Jones, was appointed Consul, April 12, 1799, by Adams and his appointment was confirmed on December 5th, 1799. The Spanish Government refused the recognition of his appointment, because, he had taken the oath of allegiance to Spain and had not received the consent of the Royal Government to his accepting the appointment. Then Daniel Clark, was appointed. During Clark's absence from Louisiana in 1802 and 1803 Hulings acted as Vice Consul. Hulings was a physician by education, but at the time of his appointment he had retired from the practice of medicine and was engaged in the mercantile business and was a man of independent means. (See American Historical Review, Vol. 2, p. 801). See also the Despatches from the United States Consulate in New Orleans, 1801-3, American Historical Review XXXII:801, July, 1927.

⁸David B. Morgan.

& easy enclining, (like Most of the New Orleans Ladies), to be fat. I Saw at Mr. Hewling's Madam quioso,* Widow of the Late Governour & her Mother. They are from Philadelphia too. Mrs. Hewling has Standing on the Mantle piece in her Hall a Glass Globe open at the top about the Capacity of two Gallons in which she has a pair of Golden Carp that were a present from France. They are about five inches long of a beautifull golden colour, Redish fins & Beautifull form, perfectly tame, put ones finger into the top of the Glass they Rise & play round it. I saw in the Hewlings Garden the Banana, Lemmon, Lime, Coconut, Ginger, Pineapple and a variety of other exoticks all growing, the date from Zante and the Raisin Grape—the date has never bore any fruit but the Grape full.

A Boat Came down this morning from Buyo Sarah or Sarah's Creek Loaded with Cotton. I apply'd to the Captain whose Name is Salvador, a Spaniard, who promised me a passage & said he would be ready in 3 or 4 days. He can Speak very little English being rais'd among the French. I shall go in his Boat provided Capt. Mitchels' does not arrive before he is ready. Mitchell will go all the way to Natchez.

SUNDAY, 26TH SEPT. Went to Church, stay'd Only during part of the first mass, parties were constantly coming in & going out, The Organ played with Vocal Music, the Airs were Solemn but had not a Variety of Parts, there were 3 or 4 Priests in their places, one only Officiated at a time, there were a number small Boys attending in Clerical dresses and joining with Loud Voices in the performance. The Church is a large Brick Building with Two Steeples, the entrance at One end and the Priests were at the Other, no Galaries, lofty Pitched & Arch's supported by five Doric pillars on each Side done with White Stocko, about the pulpit on each Side are a Variety of Images, Pictures, etc. which Look Grand & Elegant—the floor of the Church is paved with smooth tile, the Main Isle is Broad & Spacious on Each Side are long Seats Rais'd a little.*

It is remarkable that the River Mississippi Rises every Night about a foot and falls again during the Day. This can be no effect of the Tide in the Ocean, it being only Once in 24 Hours. I have not heard it accounted for.

I saw at Wm. Shabos' a Gentleman call'd Doctor Power,^o who is a confidential officer of the Spanish Government, he was one of the Commissioners for Settling the line of the United States, he has just Returned from Mexico by Land, has been gone Sixteen Months, from here—he narrowly escap'd with his life, returning tho; an Indian tribe who are at War with the Spaniards, the Indians have murdered a great many Spaniards.

*Gayoso(?)

*St. Louis Cathedral at Jackson Square.

*Dr. Thomas Powers, was a representative of Carondelet in his negotiations with General Wilkinson, Sebastian, Brown and others, during the time of the so called Spanish Conspiracy in Kentucky and Tennessee.

Sundays in New Orleans is distinguished from any other day in the Week by the Custome & other Public Offices being shut by the Negroes & Slaves working or playing on that day, for themselves,—the Mechanicks Shops not publickly open, but Most of the Stores are open as Usual, particularly till after Dinner, Amusements are more common than on any other day, playing at Cards, Billiards, Music, Dancing, etc. without restriction, the Ladies go to Church a few minutes & People on Sunday are generally better dressed.

An Armed Schooner with 35 Men called a Privateer of Bole's was lately taken by a Spanish Armed Vessel near Pensacola & brought in here. The men are all in Irons in a Dungeon, they made no resistance when they were taken. There is no News Paper Printed here so that particulars are not publickly known.

MONDAY, 27TH SEPT. Spent last Evening at Mr. Morgan's, Mr. Hewling & Doctor Flood¹⁰ were there, a variety of conversation passed, Vaccine Pox, mode of preserving Butter, Beef, etc. in Warm Climates, Effect of Charcoal in Correcting Ill qualities in Water & Removing Rancidity in Butter.

The Inhabitants of the Mississippi are much less afflicted with Ague & Fever than the People of the United States immediately on the River. New Orleans thought more healthy than Charleston, inferiority of the Water one Cause of it.—Mr. Hewling's Opinion upon the Diurnal rise & fall of the river, Owing to the difference of the Atmosphere in day & night.—Last Night (Sunday) there was a Theatrical exhibition, understood a full house, the same last Sunday Night, best Houses Generally Sunday Nights: Last Thursday Night a very Sudden Change of Weather, Friday Morning many people had fires, so Cold the Mercury fell from 86 to 50—it Continues Cool Time—Doctors Spencer & Flood say a number People complaining. A Post goes between this place & Natchez once in two weeks, the expence defrayed by a subscription of the American Merchants, the Post goes along the River in five days, distance about 240 Miles.

A Gentleman who has something to do with the Shipping of Sugar says there are below New Orleans on the River fourteen Sugar plantations and on the River above the Town fifty eight, making 72 in the whole, and that the quantity made will average 75,000 Wt. to each plantation, the whole amounting to 5,400,000, upwards of five Thousand Hogsheads.—This Sugar Generally Sells at \$6 a hundred, which will Amt. to 324,000 Dollars. It is only five or Six years since the Commencement of the Sugar planting, the quantity is rapidly increasing, a good deal is refined & distilled.

¹⁰Dr. William Flood, an American physician who had moved to New Orleans. He was one of the members of the first legislature of Louisiana, under Claiborne; a Major of militia and served as a surgeon on General Jackson's staff at the Battle of New Orleans.

THURSDAY, 28TH SEPT. Din'd yesterday with Mr. Morgan, no person but Doctor Flood din'd there. Mr. Hewling was expected but sent an apology. Mr. Morgan is a Philadelphia Man, is a partner of Mr. Hewlings in Trade, is a Widower, a Young Lady his Niece is his House Keeper, He has a fine little Boy, his son, about Eight Years Old.

A Very tall Man in a Blue Frock & a Large Cock'd Hat with a Pipe in it, he wears one side of his Hat before, has a stooping gait, long yellowish whiskers on his cheeks, appears to be turn'd of Forty & of rough manners—is often seen in the Streets. I enquired of Mr. Hewling who this man was, he told me he was Col. Fulton¹¹ of the French Army, he came lately from St. Domingo, he talks of the intimacy with Buoneporte, of his often fighting by him side by side and that he is sent here on confidential business. Mr. Eastin, a gentleman from Kentucky here inform'd me he knew him in Kentucky when Jennet¹² was giving the Americans commissions & Col. Clark¹³ of Kentucky was raising troops to drive the Spanish from the Mississippi, that he believes this man was commissioned as a Major by Jennet, that he understood he was from North Carolina and went to France after that expedition, was stop'd by the Government of the United States—he is looked upon here as a spy by some people.

Mr. Eastin has built a Ship & a Schooner in Kentucky that will be down here in the Winter as soon as the Water rises. He says preparations are making for the Building of 10 or 12 more by different People, everything about them is made in Kentucky except the Sails.

House rent in New Orleans is excessively High, a Mr. King for a House used as a Tavern Gives 1200 Dollars a Year, which is equal to five years Purchase, I believe that is about the rate of rents in general unless it is very valuable & expensive Houses or in obscure or disreputable parts of the Town. There are a number of Houses building but not so many as might be sepos'd from the high rents. Money can better be employ'd in making Sugar, Rum & in trade, the prospect of a change in Government, this province being ceded to the French Another Cause.

Just Back of New Orleans there is a Saw Mill work'd by two oxen & two mules, who work it only by walking on the side

¹¹Colonel Samuel Fulton, was born in North Carolina. He was in the employ of the French Directory and was sent as an agent to the Creek Indians. He was employed by the Spanish to help in suppressing the Kemper uprising. He was agent of the United States for the opening of the mail bags at Baton Rouge and distributing such mail as might belong there. He was one of the leaders in the West Florida Revolution and was a Lieutenant Colonel in their militia.

¹²Edmond Charles Genet, born at Versailles about 1765. At 24 he was the Secretary; later Charge d'Affaires to the French Embassy, at St. Petersburg; then Minister to Holland. In 1792, he was sent to the United States as Minister, where he arrived April 8, 1793. His career in the United States is well known. After his commission was revoked he became an American citizen, married a daughter of Governor Clinton of New York and died on Long Island in 1834.

¹³Colonel George Rogers Clark of Virginia and Northwest fame.

of a Horizontal wheel, one Edge or Side of it is elevated about ten degrees, the Bottom is floored all Round the Cattle are Put on one Side so that they always appear to be walking up Hill, some strips are pin'd on where the Cattle tread to prevent their slipping, the Heads of the Cattle are fixed to a Piece immovable so that they always appear to be walking forward but never advance any, the weight of the Cattle on the wheel constantly stepping gives it motion—to the upright shaft over the Backs of the Cattle is a Log wheel about Ten feet diameter which turns a Horizontal Shaft by a Drum Wheel. On this Shaft is a Large whirl and a Band of Raw Hide Six Inches Broad which goes round another whirl one quarter the diameter, upon a shaft on the end of which is the Crank—the Cattle were taken off to be fed & another set put on. I believe one Ox would be sufficient to work a Cotton Machine—The Saw Mill I would think would not cut more than 7 or 8 hundred feet in a day, it did not go so fast as those mills I have seen at work that the worker said would cut in Ten Hours.—I am told there are a number of these Mills in this country for Gining Cotton, Grinding Cane & Beating Rice.

I went again to see the above mention'd Saw Mill, the diameter of the Large Wheel that the Cattle are on is 34 feet, the log wheel 10 feet, the Arms of the wheels are at right Angles with the Shafts so that the Shaft does not stand upright but Leaning, the log wheel works as well as though it was Horizontal.—There is a heavy Iron Hoop about ten feet diameter in the center of which is the Horizontal Shaft on which is the Band Whirl, these are 4 Iron Arms from the Minor Edge of the Iron Hoop—which connects it to the Band Cylinder, when the machinery is once set in motion the weight of this Iron hoop greatly facilitates it.

There is Flooring on the tread wheel about $4\frac{1}{2}$ feet next the Outer Edge, on which the Cattle tread, from the Arm just within the floor'd part are strong Hanging Braces from the Arms to the Main Shaft the upper ends of the Braces are Inserted into the Shaft just below the Arms of the Log Wheel—These Braces keep the main wheel from Sagging by the weight of the Cattle.

Round where the Cattle Stand is a Stall boarded up on three sides to keep the Cattle in their places, the Posts of the Stall are Hanging & unconnected with the wheel, which turns round under the Stall while that is immovable, when the wheel stops it must be done gradually or it would throw the Cattle down, this is done by a large Leaver elevated about 45 degrees, the Lower Edge of it pressing against the out edge of the wheel by means of a pin about 2 feet from the Bottom forming a Pivot, and the Leaver is only a Round pine pole about 10 feet Long—when the top of the leaver is pulled sideways so that the Bottom of it presses hard against the outer edge of the Wheel, gradually stop-

ing it, the top is fastened or Belay'd by a rope that is made fast to it & round a Pin in the Post—when the Machine is to go again you Speak to the Cattle who begin again to step & at the Same time Loose the Leaver and take hold of the Iron Hoop & pull it round & it begins to move going faster & faster till it acquires its velocity, the Cattle walking a quick step as though they were rising a moderate Hill. The man who tended the Mill informed me he cut four Logs a day of about 12 feet Long & 14 Inches wide, making 52 lines, which made by calculation 700 feet of Boards of an Inch thick.

After leaving the Mill Mr. White¹⁴ who went with me propos'd on our return to Call in & see the Theatre, which I found a Long Narrow building, a long state the Green Room back, a Long Pitt, but very little elevated, lower side Boxes & Galleries, the upper one for People of Colour who are never permitted to mix with White People—in front over the Back Pit Seats are two Boxes that will hold about a dozen Each—one is the Governors, the other is always reserved for American Gentlemen Strangers. The Scenery is very ordinary & wants Variety, the whole House is Roughly Built and now Looks Shabby, the Paper that once covered the Rough work is peel'd off in spots and very much defac'd. The man who shew'd it say'd it cost about 8 years ago when it was built 9000 dollars. It was built by a Company Subscription.

Mr. White then took me to see a House a Mr. Moore was building. It is not all finished, it has been upwards of three years building it will take at least six months yet to compleet it, it contains about fifty apartments & will cost when finished eighty Thousand Dollars, the walls are Brick, the front highly ornamented, the passages are floored with Marble & the Back Saloon Marble Chimney Pieces, 2 flights of Mahogany Stairs of four Stories each, the hand Rail round the Stair Walls without a Break, the Roof of the Front is Slated, the Back Wings are flat Roofed, a Balustrade all round, Large Window,—The Carved work of the Chimney Pieces & Arching of the Windows and Sides is very Rich & Handsome, the Cornishing Rich and Bold, and Handsomely painted—The house is, I believe the Highest in the Town from the Top of which is the most advantageous view of the Town that can be had.

The Greatest Number of the Houses Particularly those Newly Built are flat Roofed, they first lay on Strong Beams, a little sloping thin plank, then Plaister of lime, earth & Tar, then Brick Tile lay'd in Lime, over all & Rough coat of Tar Lime & Oyster Shells that in length of time become like Solid Rock & never Leak a drop, a Balustrade round ornamented with Urns, Balls, etc. and the tops of the Houses are as their Back yards, the

¹⁴Maunsel White, an Irishman, who resided in Louisiana for a number of years under the Spanish Regime. He was an extensive planter and business man, became an American citizen and was an officer in the Battle of New Orleans.

women wash, iron, sit to work & the Men walk on them & go from the top of one House to the top of another & visit their neighbours without having any thing to do with the Streets below. Many have shrubs & flowers growing on their houses—no wood shingles are used, either cement, slate or Tile. Mr. Moores House when finished will undoubtedly be the Best in Town but a great proportion of the buildings are very expensive, durable & handsome.

29TH. Din'd with Mr. Hewling the Consul by invitation yesterday, the Company were Two Gentlemen, Mr. Morgan & Miss Copperthwait, a Beautiful young Lady, Born in New Orleans. After Dinner before Tea walked about a Mile to see a Cotton Machine & Corn Mill that work'd by Horses Walking on the Wheel, the Principles of the Mill Similar to the Saw Mill above described, the mode of packing Cotton the Press, etc. altogether on a plan I never before have seen & the two machines with 68 Saws Each work'd by the Same Wheel on a plan much improved from any in Carolina—After staying an hour at the Mill Returned by where the Jesuits Us'd to live before their Societies were abolished, the remainder of their buildings, their Orange Groves & Garden are now existing though it is 40 years since they were abolished.

30TH.—Met with a Barge belonging to a Spanish *Catoline* by Name Salvadore of Bayou Sarah, he promised me a passage next day, the Barge would start prepared, accordingly Mr. Huling went with me to the Governor to get a passport which obtained he gave me letters of introduction to Mr. Philip Hickey¹⁵ near Batton Rouge, Major Stephen Minor,¹⁶ Governor Sergeant,¹⁷ William Dunbar,¹⁸ near Natchez, which I found very serviceable. Mr.

¹⁵Philip Hickey lived in West Florida, under the Spanish Government and held a local office. During the West Florida revolution he was one of the leaders of the uprising that declared the Independence of West Florida. He lived near what is now called Fort Hickey, on the Mississippi River.

¹⁶Stephen Minor, was a native of Pennsylvania, where he received a liberal education. At an early age, he turned his foot-steps towards the West, visiting among other places St. Louis, where he made the acquaintance of Colonel Howard an Irishman in the Spanish service. He was sent by Howard to New Orleans with dispatches for the Governor General and was persuaded by him to enter the Spanish service. He was soon commissioned as a Captain in the Spanish Army and assigned to Natchez—here he was retained until its final surrender. He never lost the confidence of the Spanish nation. When Gayoso was transferred to New Orleans, Minor was made the Governor of the Natchez District. He with William Dunbar, was appointed as Spanish commissioners to establish the boundary between the United States and West Florida. After Natchez was surrendered to the United States, he took the oath of allegiance to that Government and rendered valuable service to his country. He died at Concord, near Natchez. He was a man of remarkable financial ability and rapidly accumulated property. Like all men of pronounced characteristics he had many friends and bitter enemies. (See Claiborn's Mississippi 199-200).

¹⁷Governor Winthrop Sergeant, was the first Governor of the Mississippi Territory.

¹⁸Sir William Dunbar, was born in Scotland. He came to America in 1771 and settled near Pittsburg. A few years later he moved to the Natchez-Mississippi District, then owned by England. He became a very successful planter. He was a lover of science and has been rightly termed "The First Scientist of Mississippi." He was one of the Spanish Commissioners for the surveying of the Thirty-first parallel of latitude the division line between the United States and Spanish Terri-

Hugh Young to whom the vessell was consigned that Bro't me to Orleans also gave me a letter to Mr. David Bradford of Bayou Sarah & Doctor Young of Pointe Cupee, Doctor Young's letter I had no opportunity of delivering, but personally deliver'd Mr. Bradford's by whom I was hospitably entertained for four or five days.

The Barge Sat off about 2 o'clock P. M., my baggage not on board, Got a Cart and pursued along the Levy 2 Leagues to Pacon Pt. where Got on Board, the Wind fair, the Barge Landed on the W. Side the River after Sun down Six Leagues from Town, the Boatmen made their fire & I got a mulatto Boy who spoke French & English to go with me to a French Gentleman's house near where we Landed where I Asked to Stay all Night, Announced my Name, profession & Country.

An Old Gentleman met me at the Steps, shook me by the Hand and Gave me a hearty welcome & envited me to Sit down in the Gallery where were two Men Sitting with him who I after found to be Americans from New York who were doing some Mill & Machine work for him. The Old Gentleman spoke no English, his name was DePann,* appeared to be very Rich from the number of Servants, furniture, Plate & buildings he had—soon after I sat down I had lay'd my hat on a Table the Old Man brought my hat & put it on my head and told me in French that the dew was unwholesome and then retired into his Room—soon after the Bell rang I asked what twas for & was told twas for prayers, proposed to attend but was told was for the plantation Negroes & none attended that did not choose it but it was a family regulation that was never dispenced with.

The Old Gentleman did not appear again till Supper was announc'd in the Great Hall. I then discovered that he had on my acct. been dressing himselfe. The Table was elegantly set, and a variety of Dishes of Meat, Sassages, Hashes, Stews, Sallads, Vegetables & with Handsome plate, Silver forks, Spoons, etc. a Variety of Wines, but none but Claret was touched. The old Gentleman placed me next himself, a Clean Napkin to every plate, he politely helped all at Table and Envited overy one to drink, setting the example himselfe—

During Supper and for an hour after he Conversed freely on Medicine & the Small Pox which had been thro his family, it getting Late withdrew as I afterwards discovered to Examine if my Room was ready, and a servant was directed to show me the Room which I found in the neatest Order, a Clean Handker-

tory from the Mississippi River East. He became a citizen of the United States and was a highly appreciated correspondent of Jefferson. He was in charge of the expedition that explored the Red, Black and Ouachita Rivers after Louisiana was acquired by the United States. He kep a journal of his travels which was printed in the Annals of Congress and later in a separate form. He was honored by the United States and Mississippi by being appointed to important political positions.

*The description, location, and other indications make it certain that this man was *Destrehan*, not DePann.

chief for my head, wine & water. On the Toilet a Guglet Bason & Towell on a stand with Powder, Combs, Pomatum, etc. and some Books.

As I intended to start by day light for fear the Barge would wait for me I went immediately to bed soon after the Old Man came to my door and asked me, *couchee Monsieur* (are you in bed, Sir). I answered him in the affirmative, he then told me *Bon Repose*. I saw no more of him.

I have related this night's entertainment more particularly for it is an almost exact specimen of what I experienced every night I was on my way up the River for ten or twelve Nights, Among those Hospitable and friendly People, it would have been an unpardonable offence to have offered pay at any place I stayed at.

I was down to where the Barge Camped before Day light, but it was gone. I then proceeded on along the Levy as fast as I could walk, Houses all along like a village, Sugar & Cotton plantations alternately, Houses like palaces & plantations like pleasure Gardens. The morning was cool and the walking pleasant, but I saw nothing of the Barge the wind was fair & they Sailed faster than I Walked.

I stopped about Nine O'clock at a Sugar planters who immediately ordered me breakfast of Coffee, eggs, etc., after which walked on again, but was overtaken by one of the Mechanicks I saw at Mr. DePann's the Night before on a Horse, he propos'd that I take his horse for a few Miles, I did so, the Barge still out of Sight, he kept me on his horse till we were twenty Miles from Mr. DePann's, stoped at a House, drank some Punch, he went on & left me, in the Cool of the Evening, after Dinner, I walked on again, passed a Church, a Clump of Houses near it, Passed a Gentleman's House who was sitting with his wife & Children under the shade of some Orange trees in his Court Yard, I stoped, he spoke to me in English asked me to rest myself. I Sat Down, he Ordered some Wine & Water and invited me to stay all night, being very tired for I Never had Walked as far in one day before in my life, I consented.

Before I arriv'd at this house I had seen the Barge on the other Side of the River, stoped, the people Cooking and refreshing themselves. While I was setting at the door of this House I saw the Mast of the Barge passing by within 50 yards of the House and stoped for the night half a Mile above.

Just at Sundown There came into the Gate Two Young Ladies Handsomely dressed, a Lad and a little Miss, the Gentleman presented them to me and told me they were his Children who had been to a Dancing School, the two young Ladies one in particular I thought very pretty, but as they spoke no English & I did not speak French Enough to converse with them, could judge of them only by their appearance. Tea was handed about

soon but nothing with it, in the evening after Sitting in the Outer Hall an hour or more Supper was announced, in a Long Cool Room, open to the Back Yard, a Variety of Dishes were on the Table, sassage, eggs, meats, Sallads, etc.—after supper was conducted into a cool room on the Ground floor, a neat bed with a Pavillion round it, I went directly to bed & slept till day light. I got up and went away without disturbing the family. The name of this Gentleman I did not acquaint myself with, which was an omission I very much regreted after.

I got on Board of the Barge before it started and continued on Board all that Day, we ascended the River that Day about Seven Leagues, the Country exhibiting on each side of the River a Beautiful appearance, interspersed with Sugar and Cotton plantations, ornamented with Orange Groves, Gardens, etc. and Large numbers of Cattle, Horses, Mules & Sheep covered the Banks of the River, which is a most Luxuriant Pasture, from the Edge of the Water to the Fences within the Levy.

At Night stoped to Camp on the same Side of the River as the Night before, I went to the Nearest House, who was a Frenchman's spoke no English, but had a servant who spoke good English, was Politely received, this Gentleman's name is Rano, had been a Merchant in New Orleans, had a partner by the name of Beitee, who was there that night with his daughter, some Carpenters I Likewise found there at work on a Mill, who were Americans from the State of New York. Mr. Rano had no wife or white family—did not get away next morning untill the Barge had started, but overtook her about Ten O'Clock, after passing the Lafrosh¹⁹ River or Bayau, which is at high water a Large River Running out of Mississippi and empties into the Bay of St. Bernard, but at Low Water is a dry Bayou.

This is about sixty miles above New Orleans—along down this Bayou on Each Bank it is Thickly Settled and Levy'd out like the Mississippi. The Inhabitants along here are Called Arcadians, from the first Settlers of them coming from Cape Britton, after that place was taken by the English about the year 1755. These People called themselves Neutral, refus'd to take the Oath of Allegiance to the Brittish Government, were brought off and distributed in the Eastern & Middle States, where they lived Ten or Twelve years, till about the year 1767. Settled on the Mississippi, this part of the Country where they live is called the Arcadian Coast, the Old People all speak good English; but the young Ones who have been born and raised here French. They are Industrious kind People, many of them wealthy and make a large quantity of Cotton; but their part of the Country is not so highly Cultivated as the Dutch Coast joining below or the French Still Lower towards Orleans.

I kept on Board the Barge the remainder of this day, wind was fair and the Patroon's Acct. of the distance of this day was

¹⁹Bayou Lafourche.

Eight Leagues, some points or Turns in the River we passed during the Day that are not cleared or Settled, owing to the Banks falling in and the difficulty of keeping up the Levy. I intended to have called at Mr. Baylie's who has a very handsome place on the West Side of the River and Carries on a Cotton Manufactory with the Carding and Spinning Machines; but it was not convenient for the Barge to Stop.

After Sundown we stoped on the East Side of the River, as Usual I went to the nearest House, which was but a few steps it hapened to be an Arcadian by the name of John White, as he told me in English; but LeBland in French. Mr. White & his wife spoke good English, they lived they inform'd me Twelve years in the State of Maryland; they are good livers but not wealthy, are kind and Hospitable, have two Handsome Daughters; but they speake no English. Mr. White observed to me that French was more easily acquired than English, for himselfe and Wife had taken great pains to learn their Children English, they had for sometime spoken nothing but English in their family, but they would not speak it; but if an American came and settled there he learnt French directly.

The next morning was at the Barge before it Started, went on Board & continued all day. we got on this day about Nine Leagues, passed many handsome settlements; but some spaces of woods unsettled, we landed after Sundown again on the East Side of the River about a Mile below Mr. Philip Hickey's to whom I had letters from the American Consul at New Orleans. I arrived at his House an hour after dark, was Receiv'd in a most friendly and Hospitable Manner, the Family had Sup'd and Mrs. Hickey, his Son's wife had retired, the Old man is a Widower and no white woman in the family but young Mrs. Hickey. Supper was immediately ordered for me & the sideboard with a variety of the best of Liquor, the Old Gentleman and his Son Sat to the Table with me and were very polite and attentive, but totally free from all ostentation & useless ceremony. An Elderly Man was in the Hall who they called Stevens, who I understood had been many years in the family in Character of a Musician.

Mr. Hickey is an Irishman born, has lived thirty or forty years where he now does, is remarkable for his good living and Hospitality, is very Rich and keeps up a great degree of Sociableness in the Neighbourhood. His son is a Genteel young Man who is his Only Child. After Supper the Old Gentleman kept the wine moving got very merry, sat up late and insisted on putting me to bed himself, and seeing that nothing in my room was wanting or amiss. I arose early in the morning Intending as I had told him and his son overnight to go away before they were up; but they were both up as soon as I was, went with me to the Barge and ordered some Cold Round of Beef, some wine, etc. to be Sent to the Barge for me and expressed regret that I could not stay some time with them.

The Barge had to stop to deliver some goods at Mr. Rowel's a Mile above and at Madam Joyce's, so I concluded to walk on along the Levy, the Morning was Cool and Pleasant. Twas 6 Miles to the Fort at Batton Rouge, I kept on and arrived there on foot before the Barge, waited on the Governor, whose name is Grandpree,²⁰ of French extraction, was born in Louisiana, was educated in France to the profession of the Law & is universally esteem'd & a Man of Politeness, good Sense and Strict Integrity, he is a widower about 50 years of Age, his wife was a French woman, Born at the Isle Enois, he speaks English, has several Children, Daughters nearly Grown, he received me Politely, I presented him my Passport from the Governor of New Orleans, he countersigned it & ask me to sit down in his hall, conversed for some time, I took my leave, as I was going out of his Gate he called a Soldier, told him to take the place of the Centinel at the Gate, and directed that man who spoke English to go with me and wait upon wherever I choose till my Barge Came up, he did so; I went into the Fort & through it, Examined the Situation of the Bluff the Land Adjacent etc. for an Hour when the Barge arrived.

Baton Rouge which is about 125 Miles above New Orleans is the first high Ground you approach in assending the River, it is a Handsome Bluff elevated about 50 feet above the surface of the River, the Ground Back as far as I could see a Handsome Level, even with the Bluff, it appears to me by far the most Eligible Situation for a Town on the River, between the Mouth & the Chickasaw Bluff.—Vessells find no difficulty in getting up the River thus far, the Banks below are Cleared & Low, no Hills or Lofty Trees to intercept the wind from the Sails, nor difficult turns in the River, at Least not so much so as the English Turns Six Leagues below Orleans.—Here is a Small Fort dirt walls, Surrounded by a Ditch and Pickets, about Thirty Cannon Mounted on the ramparts, and about 50 Men, this Fort Appears to have Command of the River; the Country back and from this upwards a Rich Soil and beautifully timber'd and will admit of being Thickly Settled.

Went on Board the Barge about 12 o'clock, proceeded on about 12 Miles, Settlements all along by Americans, but Scattering, and as no more embanking out of the River is Necessary the Country has a different Appearance from what it has below—we Landed before Night opposite W. Ross' plantation to deliver some goods, there came up a shower, I went up to Mr. Ross' House and returned no more to the Barge. Breakfasted next morning with Mr. Thomas Lilley who lives half a Mile above Mr. Ross', he was formerly from Maryland, is a Merchant & of very Gentlemanly manners—After Breakfast it was Cool, I went

²⁰Carlos Grandpre, who was the Spanish Governor of West Florida at the time of the West Florida revolution.

on walking for five Miles through a Beautiful Magnolia Grove affording a dense shade, I had an Umbrella in my hand but the pathway Mr. Lilley put me in was so compleatly shaded I had no Occasion to use it, I never before Saw a finer Soil or a more beautifull Grove of Timber.

According to Mr. Lilley's directions I arrived at Mrs. Nash's about Ten O'Clock, this Lady is Sister of Judge Lewis of the Mississippi Territory, a Native of Rhode Island, but the family have been many Years settled on this River, her husband died some years Since, she lives in a Beautiful Rural place and Nothing can exceed the Richness of the Land. Mrs. Nash treated me very Politely, Invited me to Stay to dinner, I did so and in the Cool of the Evening proceeded on five Miles farther through the Same Kind of Lands and Growth, to a Mr. Lowden's, a Scotchman, who has lately settled a New Place; he has no Slaves nor will he have Any, he lives well & I no where met with more open, plain Hospitality.—I Never Saw every thing growing in higher perfection than this Honest Man had, & every thing about him was fat, he invited me to Walk with him about his farm garden & the pleasure seemed Reciprocal.

I Stay'd with him all Night, and Sat out Early next Morning, he walked a mile or two with me, the Same Beautiful Rich Lands and Magnolias Continued for five Miles to Thomson's Creek where I arriv'd before Breakfast to the place formerly own'd by the Commendant Blanchard who sold it to Col. Marbury from Georgia, now own'd by a Mr. Murdock; but Occupied by a Mr. Darby where I Breakfasted and was civilly treated, this is a Handsome place, a Large clear'd Plantation, the House on the Bank of the Creek 7 or 8 miles from the River, this Creek is Navigable in time of high water in the Mississippi, Several Miles above this place affords Large Bodies of Excellent Low Ground, but I think the uplands are preferable, they are as Rich & not so Stiff, Cannot be Called Hilly, but Rolling Lands. On this Creek is a Numerous Settlement of wealthy Cotton planters.

After breakfast I cross'd the Creek & was directed to the House of Isaac Johnston, Esq., an Alcade formerly from Liverpool in England—which is five Miles from the Creek. I passed by a number plantations on my way thither, was Received by Mr. Johnston in the most hospitable and friendly manner, he invited me to Stay to Dinner, did so, it rained a small shower, he would not permit me to offer to Leave his house that evening. Next morning after Breakfast he had two Horses Saddled, one for me and one for his little son to Accompany me to Mr. Bradford's, four miles from his House, I had letters to Mrs. Bradford from Mr. Young of New Orleans—An English Gentleman who was there accompanied me thither, passed a number large fine plantations on the way, the Lands excessively rich, well laying & pleasant.

Arrived at Mr. Bradfords,²¹ was Received politely by Mr. Bradford, he had rode out here, I stayed five days and was Treated with great kindness and Hospitality. Mr. Bradford rode with me through the neighbourhood and made me acquainted with a number of his friends & Neighbours, I can truly say I never was so much charmed with any Country I ever before Saw as the Neighbourhood of Bayou Sarah, The Country is not flat but Gently Rolling, the Richest Uplands I ever Saw, the Climate pleasant, the People appear healthy, the fields cloth'd with Verdure and the unclear'd Lands an Entire grove of Poplar, Walnut, Hickory, Oak, Grape Vines, Sarsafra, Magnolia, etc., here I thought was the country in which I would be willing to rest.

Before I left New Orleans I had written a Letter to a friend in Natchez requesting a Horse to be sent to meet me at Bayou Sarah, as the Barge that brought my Baggage to that place was going no higher up the River, I put my things excepting a Shift of Cloathes on Board of a shallop that was bound for Natchez & Expecting hourly to hear of my Horse, while I was thus waiting I receiv'd a polite message from Mr. Johnston inviting me to his house, ye bearer inform'd me that Mr. Johnston was going to Natchez in two or three days and would be glad of my company & if I heard nothing of the Horse I expected it would be perfectly convenient for him to furnish one,

I waited on him next morning and the plan of our journey was soon concluded, and we sat out the day following but one. Mr. Bradford then inform'd me if I had express'd the smallest desire of getting on I should have been very welcome to a Horse of his, which I might have kept till it was convenient for me to have return'd. Mr. Bradford liv'd once in the Back Part of Pennsylvania and remov'd to this country on Acct. of his being charg'd with fomenting the famous Whiskey Insurrection as it was Called, he was in that Country a Lawyer of emminence, but where he now lives Lawyers are not wanted, he is so well Settled and by Cotton Planting is Accumulating Considerable property that what he once thought the greatest misfortune he is now convinced was an advantage.—

OCTOBER 10TH, 1802. Sat off from Bayou Sarah with Mr. Johnston and a Clergyman by the name of Cooper from So. Carolina who Preaches about in different parts of Mississippi Territory, but was not permitted to Preach below the line in the Spanish dominion, where no Sect but Roman Catholicks are admitted in Public. We din'd at Esquire O'Conner's²⁰ Alcade of the upper district of Bayou Sarah, he is an Irishman, has liv'd in this

²¹David Bradford, was a very prominent lawyer in Western Pennsylvania during Washington's administration and was one of the leaders of the famous "Whiskey Rebellion." Due to his participation therein he thought that it was best to leave the United States and go to the Spanish Territory where he settled in what is now West Feliciana, where he became a planter. There seems to be no record of his ever engaging in the practice of law at his new home.

²⁰John O'Connor.

country a number of years, has a very Handsome & most valuable plantation and is much esteem'd for the mildness and agreeableness of his manners as well as his Hospitality—

After dinner rode to Mr. Munson's who lives $2\frac{1}{2}$ Miles above the line. Mr. Munson is from Halifax, No. Carolina. We stay'd all night at his House, who has very Rich Land but somewhat hilly. This is about 26 miles from Mr. Bradfords—here the country is very much broken with Hills, after leaving Mr. Munson's about $2\frac{1}{2}$ Miles came in to the New United States Road, made by the Army. This Road has been made with immense Labour, passing over a very hilly country it begins at the line, passes by Pinkneyville, a small Town where the Court of Wilkinson County is held 5 or 6 Miles from the line and about ten from the River. Leaving Fort Adams 2 or 3 Miles to the left & crossing Buffalo above Smith's Ferry, in passing along this Road, till we arrived to Madam Piercy's, which is about 12 miles from Mr. Munson's & 3 or 4 from Fort Adam, Saw Nothing but excessively Rich broken Hills, some small Settlements, interspersed among them, we din'd at Madam Piercy's, this Lady has a very Handsome plantation, lives in Handsome Stile & has a Great number of Slaves.

After dinner we proceeded on along the Swamp Road as it is Called, through Lands that are Ten or 12 feet Water when the Mississippi is up, a beautiful Land & shaded Road, hard and dry this Swamp, as tis Called, is made no use of, it is from 5 to 8 or 9 Miles wide affording the finest timber and Range for Cattle & hogs, but as the water always falls by the first of June & never Rises again till the following Feby. or March it might be cultivated in Corn, or Oates, nothing can be Richer, and tis very Level, no small Growth, the only inconveniency that would attend the Cultivation of it is the keeping up the Fences which the Freshes would always break or carry away. This Swamp Continues from Mrs. Piercy's to Buffalo, which is Ten Miles, bounded by Broken Hills totally uncultivated, covered with thick heavy Cane—

We stay'd all night at Mr. Smith's who lives on Buffalo & keeps a ferry—This River is not more than 40 or 50 yards wide at Low Water is navigable for Large Barges when the Mississippi is up for 20 or 30 miles, affording a considerable quantity of Rich Low lands bounded by Rich Hilly Lands—from Buffalo to Homocheti is Ten Miles over this Stream, is likewise a ferry, it is Something larger than Buffalo and Navigable for about 30 miles, affording some of the finest Settlements in the Territory, from Homocheti to Col. Anthony Hutchin's²³ Six Miles, this is

²³Colonel Anthony Hutchin, was born in New Jersey, joined the British Army, served in the French and Indian War, under General Amherst; retired on half pay and settled in North Carolina; then moved to Natchez in 1772. During the revolution he was a Loyalist and had to leave Natchez and go to England where he resided until after the forming of the Government under the Constitution. He returned and took the oath of allegiance to the United States and lived in Mississippi until his death in 1804.

the place that used to be Call'd the White Apple Villiage on second Creek, which is a branch of Homocheti, on which are a number of Old Rich Settlers, the Lands Level & Rich, well water'd & very pléasant.

We arriv'd at Col. Hutchin's while they were at Dinner, we din'd & stay'd all Night, Mr. Johnston being an intimate and an Old Acquaintance of the family. Col. Hutchins was not at home—next day arrived at Natchez, being 12 Miles, before dinner, passing a number of Handsome plantations, the country somewhat Hilly. Din'd at the House of a friend of Mr. Johnston's where he took me, In the evening Rode to the little Villiage of Washington, the Residence of Governor Claiborn²⁴ & Judge Kerr near which lives Mr. Willis.—here I spent several days very happily in the family of my old friend & acquaintance, Judge Kerr, who introduc'd me to the Governor the evening of my arrival in whose family I soon became domestic.

I after a few days Rest visited the Late Governor Sergeant to whom I had a letter of introduction from the Consul Mr. Hewling at New Orleans. I spent Two days with Gov. Sergeant after which delivered a letter of introduction from Mr. Young to Mr. Hunt who treated me with Great Attention & Politeness, and presented me to a number of his friends, Col. Steele in particular, with whom I afterwards cultivated an Acquaintance with much pleasure and satisfaction. Next day I called on Major Stephen Minor to deliver a letter I was likewise the bearer of from Mr. Hewling.

Returned to Judge Kerr's at Washington same Evening invited next day to dine with the Governor, did so, Mrs. Claiborn from home on a Visit a number of Gentlemen at Dinner drank wine freely till near sunset, Same Evening Mr. Hunt Called upon me with a Horse Saddle & Bridle for me and invited me to take a Ride with him to Coles Creek where he had a store about 20 Miles above. We immediately sat off, the Evening was pleasant & we arriv'd at Mr. Hunts place at Huntston before Bed, time, I regretted passing through a part of the Country I had not seen after dark, which depriv'd me of the pleasure of seeing the Country to advantage.—

This Villiage of Huntston, or sometimes Call'd Greenville, is near ye North Fork of Coles Creek, is the County Town of Jefferson County. There is a Court House, a Jail, several Taverns, two or three Stores & some Mechanicks—The Landing is about seven Miles below this little New Town a few Miles up the Mouth of the Creek. This Surrounding Settlement is becoming Rich by the Cultivation of Cotton, the Lands more Level than in the neighborhood of Natchez, but a newer settlement & less Wealthy, but Thick settled by an industrious people. Col.

²⁴William C. C. Claiborne, was the Governor of the Mississippi Territory, in 1803. He became the Governor General of Louisiana and Governor of Orleans Territory and the first Governor of the State of Louisiana.

Girault lives about a Mile from Mr. Hunt's Store with whom I was made acquainted, din'd & spent an evening.

Next day went to Mr. Henry Green's whose wife I formerly had been acquainted in North Carolina. She was the daughter of General William Davidson who was killed at Baly's Ford on the Catauba River by the Army Commanded by Lord Cornwallis. I spent two or three days agreeably. Mr. Green rode with me about the neighbourhood, he lives 6 miles from the Court House, I found the Lands in this neighbourhood Broken & Hilly, except on the different Branches of Coles Creek, which afford Excellent Bodies of Rich, well lying land. Mr. Hunt being oblig'd to return to Natchez proposed to me to remain on Coles Creek for a few days & he would be back and go with me to Bayou Pierre where he had a Store & plantation, he did not Return, Mr. Green was coming to Natchez & I came down with him where I spent some days and made some progress in the business that brought me to this country with ye executors of General Willis.

Between Washington & Huntston, alias Greenville, we passed through a small Villiage 6 miles from Washington, called Ellicotsville, or Settler Town, where are two or three Taverns & some small Stores, the country round very thickly settled though hilly but very Rich Soil—near this Villiage on the Land of Mr. Griffin is a remarkable Mound of a rectangular parallelogram form, on the Top, nearly 40 rods broad & Level, the Base considerably Larger, remains of a wide Ditch round it, the top of the Mound is Elevated near 50 feet above the Common Surface. There are several smaller Mounds round it and they are found all over the Country. I saw one nearly as Large as the above mentioned 2 or 3 Miles above where Gen'l. Lyman used to live on the Big Black, 'tis in a field, I did not go on it, having company I did not wish to part from who were in a hurry.

**LETTERS OF DR. JOHN SIBLEY OF LOUISIANA TO HIS
SON SAMUEL HOPKINS SIBLEY, 1803-1821**

Printed from Copies made for G. P. Whittington of Alexandria, La., from the originals in possession of the Missouri Historical Society and published with its permission. The documents are printed as written and without changes in orthography, capitals or punctuation,

Natchez 28th Feb. 1803.

DEAR HOPKINS:-

On the 20th of Janry. I received your letter of Dec. 8th the receipt of it gave me great pleasure for I had not heard from you before, since I left you, I wrote you soon after my arrival here, mentioning several things I wished you to do, I have not been able to finish my business here so as to set off on my return, how soon I shall effect it is uncertain, I shall loose no time I can avoid, do the best you Can in the meantime for yourselfe, and afford to your Mother & the Children all the assistance & comfort in your power—I am in pretty good health, am going for a few days over the River into Louissiana, which Country is very little known in the United States, tho the finest Country in the world, I keep a journal of my travels with pretty lengthy remarks—some extracts would amuse you.

“I was at an old French gentleman’s House in Louissiana, where I asked to stay all night, I was met at the Gate by the Old Man who took me by the hand in the Most friendly manner he spoke not a word of English, conducted me into a handsome Gallery and Sat me down beside himselfe on a Settee I Layed my hat on a Table as I entered, he rose took my hat & put it on my head observing it was too cool to Set uncovered, he immediately withdrew, a servant brought me some wine, a Large Bell rang as big as a Church Bell I asked what ’twas for a gentleman who was Setting with me told me ’twas for prayers, I propos’d to attend, he told me it was a domestic regulation among the servants that we might or might not attend as we pleas’d, I saw the old man no more till supper was announced which was about an hour after, we were conducted into a Large Elegant Hall well lighted, candle sticks of Silver, a Table covered with plates, a variety of dishes Wines Sallads &c. with about half a dozen well Looking Servants, no white woman in the House, the Old Man was there, I then discovered he had withdrawn to dress himselfe which he had neatly done, he placed me next himselfe, a clean Napkin was furl’d up in a curious manner over each plate which being removed disclosed a piece of bread, a fork with four tongs all of Silver, the knife a Silver handle, a Wine Glass & Tumbler, he politely helped all at Table, and pressed us all to dring (k) Setting the exampe himselfe, after supper he sat an hour, talked

a great deal all in French, he went out a few minutes, returned and asked me if I choose to go to bed, my room was ready a servant conducted me to my room, which I found remarkably neat, a Pavillion to the Bed, a Toilet with wine and water, a dressing case & Looking Glass, a water stand Towel &c. a prayer Book & Crucifix, and a handkerchief for my head, being fateagued I went directly to bed & put out the Candle, a few minutes after the Old man knocked at my door "Couchée Monsieur" sayed he I answered 'Owée Monsieur,' "Bon repose" he said, I saw no more of him—

This is nearly a description of the treatment I received in Travelling four hundred miles thorough Louissiana.

A few days ago near Natchez two Choctau Indians had a falling out One challenged the other to fight a duel, the challenge was accepted they fought with muskets five steps apart & fired at the word, and were both Instantaneously killed—several duels had been fought among the officers and gentlemen of Natchez a short time before & no one hurt the Indians had Laughed at them and called them no warriors — Last fall about three Miles from Natchez one Indian killed another in a quarrel, it is a law with them that no Indian who has killed another except in War shall live, It is not like a Warrior to be killed or put to death so they do it always themselves assisted by their nearest friend or relation, this Indian had appointed to die at Sundown the day after he had killed the other, it was known in the neighborhood & several went to see how he would behave, a Gentleman who was present told me the Story, they found him very buisey among the Indians talking a few words to One & Another & sending Messages to his absent friends & acquaintances his countenance tranquil and his mind Collected, his wife was with him who appeared in his presence quite composed but was observed just before Sundown to go by herelf and cry; but soon returned again with an affected cheerfulness, the Sun Sat the appointed time arrived, the Indian in a loud Voice addressed himselfe to the Spectators, appologis'd for disappointing them & told them, 'twas not convenient for him to die 'till tomorrow morning at Sunrise he wanted to see a friend who had not arriv'd, the Spectators dispers'd, some of them went in the morning, saw him die, he put the Muzzle of a Gun under his Chin & with his Toe drew the trigger, he slept most of the preceding night quietly—and Called upon his friends to witness that he died like a Warrior—The Choctaus in their Town don't bury their dead; but make a Scaffold of forks & Poles on Twelve feet high near their Houses on which they place the Dead body 'till the flesh is so putrid that it will Slip off the Bones, this is done by the nearest relation, the flesh is buried, the bones put in a Box & deposited in the Bone House.—The Choctaus are a numerous tribe, they live on Tombeckbee River, but are always wandering about in families among the white Settlements many of them dont see their

towns for two or three years—they Seldome Steal or do Mischief of any kind, and they boast that no Choctau has ever Shed white Man's blood Since the french Massacre in 1719—I am about preparing to Collect a parcel of Mules, they are in Louissiana as large as Horses, and in droves of many thousand in a Gang. The French Government is expected to take place in April some of them with the Officers Baggage have arrived in New Orleans—

I am with much affection

Yours &c

JOHN SIBLEY

Samuel Hopkins Sibley

(Vol. 1, Sibley Manuscript, Missouri Historical Society)

(Copied from *Sibley Manuscript Book*, Vol. 4.
Missouri Historical Society)

A.L.S.

John Sibley

To:

Saml. H. Sibley

Natchitoches Sept. 26, 1806.

DEAR HOPKINS,

Some time ago when I wrote you last I expected by this time to have been in Fayetteville; but the Movements of the Spaniards on this frontier has affected the Indian Chiefs in a Manner that I cannot get them away, Indeed Urging them at this time would be highly improper & unreasonable when I shall go now is Entirely Uncertain. The Spaniards resenting being removed over the River Sabine by the Officer Commanding here last winter have returned, taken their old Ground in force about 1200, Under the Command of two Officers of Rank & Experience, Equipt with Cannon &c. They have with them about four Thousand Horses, & they frequently Patrolle within five or Six Miles of Natchitoches have turned back an Exploring party ascending Red River by Order of the President, have captured & Taken away Prisoners Three American Citizens & two other made their escape from them, have Cut down & carried away the flag of the United States that with Other Insults & outrages not to be borne with.—Genl. Wilkinson Arrived here last Sunday & is Making every preparation to Attack them in their Camp, he has now here Nine Companies of Infantry & two Artillery of the U. S. what Cavalry Can be raised in this part of the Territory & I expect from Natchez—this Territory there will be in the Course of Ten days from 800 to 1000 Malitia, Governor Claiborn went from here about a Week Ago, he is Now in the lower part of the Territory turning Out & organizing the Malitia & probably will

be here again in a few days, he has Given Me the Command of what Cavalry Can be raised in this part of the Territory & I Join General Wilkinson the day after tomorrow and Shall Continue in Service till Our Malitia are relieved by troops raised for that purpose. We shall drive the Spaniards (If we Can) Over the Sabine Again, but Capture as Many as we Can. Our troops I believe can be depended on the Spaniards May Stand three or four fires—Whether this will bring On a General War or not is Uncertain, but the probability is that it will, we are however in doubt whether their taking these New positions & advancing upon Us Is by the Order of the King of Spain, or only by the Authority of the Viceroy & Council of Mexico—The territory they have lately taken possession of is beyond all doubt part of the Country the United States have purchased & paid for, & we Ought to defend it or Perish in the Attempt. I am highly gratified at the disposition & Sentiments of General Wilkinson on the Subject Since his Arrival here, they so exactly accord with my own Views which all my letters lately have expressed, but in which I met No Support, till the General Arrived. The General Speaks kindly of George & highy Approbates his Conduct at St. Louis, which gives me much pleasure. I am so hurried in preparing My Cavalry, my Private Baggage, & Affairs for a Campaign I have not time to write you more fully, but will write you Again immediately after an event has taken place worth Noticing (If I am then Alive). God bless you be as Useful as you can to your Mother & the Children & I will repay you with Interest. My next letter perhaps May Express to you Some Advise & wishes what I would wish you to do which will depend on the result of Peace or War James Bludworth was Married to a French Girl last Sunday he cannot be Accused of Marrying for Beauty or for Riches by those who know his Bride.—

Make my Compliments to every friend, & write me often I have no Complaints About health.—

Am Most Affectionately

Your

Mr. Saml. H. Sibley

(Signed) JOHN SIBLEY.

(Copied from *Sibley Manuscript Book*, Vol. 4.

Missouri Historical Society.)

A.L.S.

John Sibley

To:

Samuel H. Sibley

Wilmington, N. C.

Natchitoches June 30, 1807.

DEAR HOPKINS:

In consequence of an interruption in the regular conveyance of the Mail between Natchez & this place I did not receive your

letter of the 17th of March last, till a few days ago. I wrote you about the Same time from this place which I doubt not you have recd.—every thing in this quarter is much as when I wrote you last. You mention your Arrangements with Mr. Homes & your copartnership will no doubt Commence before this will reach you, so that if I were disposed to urge you to Change your plan, this letter would be too late.—But be assured my Anxiety for your welfare is very Great and there is Nothing that is in my power to do for you that I will not do most Cheerfully, but you will be Sensible how difficult it would be to transfer property from this to that Country without a Great loss, and that in a double Sense. I purchased Some time ago a plantation for about Eleven (hun)dred Dollars, not Many Months after I was offered Three Thousand five hundred for the Same; Some other places I have purchased would yield me a larger Profit were I to Sell them, but I have sold nothing that I have bought, but am trying to Settle Some Negroes on a place; I have now Seven & have a prospect of Getting a few More this fall; am fitting up Some Houses to rent, I Can build a House for two hundred Dollars that will rent for Eight Dollars a Month, I have imprudently (I think) Layed out too Much on One House, it has Cost me at least three thousand Dollars, it Contains 14 Apartments, is well built the Lower Story Brick and one & half story of Wood above, the Brick, the Ground floor is now rented at 300 Dollars a year, I live in the Upper part, which would Rent for \$400 More. I have several Smaller buildings Rented, and have ground Sufficient on the Public Square to build 8 or 10 More. My lot is the best in the Town, fronting the River one Side & on another one whol Side of the Square of about 40 Rods; but I assure you I think it perfectly immaterial whether *Our* property is advanced here or in Carolina, and I wish you to feel (as you have a right to) a Common Interest in everything I possess were you here you should know no distinction between your own & my earnings. If you think it best to engage in businessa while in Carolina, under Auspicious Circumstances, I am not disposed to thwart you but the Contrary however Agreeable to me your coming here would be; I do not hear from your brother George so Often as though he was in Carolina. My prospect of Coming to Carolina is now less than it was, the Indian Chiefs will not consent to come with me till our Affairs with Spain are settled, that they may know (?) the extent of the rightfull Jurisdiction of Each government, but they will Come as soon as that is done, I have lately had Considerable difficulty with Some of my Indians, two white Men Killed two Indians of different tribes and made their Escape. An Indian has Killed a White Man & fled to the Spaniards, A party of Indians Killed two Women of a tribe at peace with them. It has given me Much trouble to prevent them from going to War, they *were* at War. I made them make Peace or rather made peace for them.

I am Informed (though not officially) that Governor Claiborne the Governor of this Territory is removed & Daniel Clark (whom I Enclose you a letter to) is appointed in his place, they are I believe both of them personally my friends, though I have openly disapproved of some parts of Gov. Claiborn's Administration, he has become extremely Unpopular in this Territory except Amongst a Party of a Small Number, his removal is certainly a wise executive Measure. General Wilkinsons Name is made a free Use of through this Country & on all the Waters of Mississippi. I should think the Same reasons would Urge the Executive to dismiss him that operated to the dismissal of Governor Claiborne who I Still think an Honest Man, a different opinion is expressed by Many with respect to the General, I was always more enclined to laugh at the fuss that both of them made about Col. Bur than to feel serious alarms.—I feel as though I should hear from you again Soon, & I beg you to write me more frequent, & Particular, I did intend to have followed up to Henry more regularly extracts of my Journal, but have for Some Months past had the troops at this Place to Attend (4 Companies) My own Private business, Indian Affairs & a great deal to do as a Magistrate I have not had time to write any this two or three Months. But expect as Soon as the Sickly Season is a little over to find time to go on again, I have a great many Public letters to write. —Write to the family at Fayetteville on the receipt of this for I shall not write by this opportunity let them know I am well, and very much thronged with Business, but withall let nothing prevent my thinking of them. I am not Easy about Some private affairs in Carolina & for the sake of removing that Uneasiness will make some Arrangements to have every thing Settled in the Course of a few Months. I Expect a young Man here by the name of Campbell from above Fayetteville, he was here lately. I Sold him some Horses & Mules, he is to be here Again in a few Weeks I have Some More for him. he goes from here to Fayetteville and will take Some Along for me. Capt. Pike, Doctor Robinson & Party Arrived here this day from the Interior of New Spain, last fall they were Sent up Missouri, ordered to Cross over the heads of Arkensa & Red River & Descend the latter. They were at the Source of Arkensa from thence fell upon Some of the Waters of River Grand in the Vicinity of St. a Fee the Capital of New Mexico. They were taken by the Spaniards, & six Months Elapsed before it was known what had become of them, at length we heard of them in the Spanish Interior Provinces. They were conducted by Armed Men from Province to Province, till they arrived here, their Instruments & Papers they were permitted to retain And no doubt have made important discoveries. I have Seen them only a few Minutes. I have lately had Much trouble amongst my Indians. Some White Men have Killed Indians, & they have retaliated. Some tribes of Indians have been Committing depredations on others in my Agency. My

business is to keep them all at peace. & with the white Inhabitants, there are bad men amongst all People Red as well as white that no laws can restrain.—

I am my dear Boy

Your Affectionate

(Signed) JOHN SIBLEY

Mr. Samuel H. Sibley

(Copy from *Sibley Manuscript Book*, Vol. 1.
Missouri Historical Society.)

A.L.S.

John Sibley

To:

George C. Sibley, Post Master, Fort Osage, M.

Nackitosh, Oct. 29, 1821

DEAR GEORGE

I have just received your letter dated Aug. 20 & it gave us all great pleasure to hear you are well. I am determined to send this letter by the going out mail, but I shall not be able to half pay you for yours. I shall at least feel indebted at the rate of two for one. We are all well & have been Except for Hopkins & his children who have had some ague & fever. My little girls Henrietta six years old the 23d of last July & Hellena four years old the 27th of this month & Horatio nine months today have never either of them been sick a day in their lives. the girls go to school & will do well in that way Horatio is one of the strongest, athletic, resolute playfull Boys I ever saw & raised by hand since he was three months old, his mother falling sick & he was taken from her he is called an uncommon fine boy.—

You give us some Expectation of your Visiting us & bringing with you Our very dear Relation we all so much want to see we hope & fear when we think & speak of it—This Country is healthy we have but few deaths. Amongst those few is Doctor Slocum our Parish Judge & an interesting Officer Lt. John Tucker he used to be a Clerk in the War Office.—

You knew Mr. Austin¹ the father who died some months ago he had been to St. Antonio & procured permission to bring into the Province of Texas & settle three hundred families his son has Since been there & Recognized as his fathers Representative & is now occupied in that undertaking, I should not be surprised if in 18 months 50,000 Americans should Migrate thither the Country is Larger than all France & finer Climate & the soil as rich as any & can support a great population. The sea coast & are now better known & found to be all could be Wished for, the Climate will grow Sugar, oranges, Pine-apples, coffee figs &

¹Moses Austin and Stephen Austin his son were the founders of the Austin Colony of Texas.

grapes & the existing Spanish Govt. very desirous of getting as many Americans as possible settled there they give them the Land & Enough to a family Many are passing through this town from the State of Missouri they say driven away by high Taxes, Lawyers & hard times. The settling that Country will make Nackitosh a Large Town it is now growing fast & building up with Brick.

I have upwards of 30,000 Acres of Land in Texas in Choice Tracts which I think something of. Indeed I have thoughts of Making some improvements there & using it or not as a retreat. I shall spend the ensuing Winter in New Orleans & occupy my seat in the Senate, but no more after this year. I have been spoken to about accepting the place of Parish Judge, but have not decided to do so or not, I Sepose (?) it will be offered to me—I expect a Visit from the Governor in a few days & that he will stay with me while he remains in Nackitosh. I have now Layed off & for sale about one hundred Town Lotts, of Value from 100 to 1000 dols. but we feel the Scarsity of Money & the general depression I cannot sell many at my fixed prices, but the time is coming along when they will do better.—

The Vice Royalty of Mexico has all declared Independence by our last *Certain* Accounts except the Cities of Mexico & Vera Cruz & it is reported both have given up. they certainly must & probably have before this time. the last official Accts. from Yteroedes head quarters Near Mexico is that the City was Invested by 60,000 Men and defended by about 10,000 that all Intercourse was Cut off, & in the City they were Starving, a sheep sold for \$50. & a Hen for \$10— The General Commanding the besiegers sayed he could take the City any time, but some Blood would be spilled which he wished to avoid. the Vice Roy had come out & was with Yteroede, & a flag demanding a cessation of hostilities for 48 hours that terms of Capitulation might be agreed on, there is an immense deal of Wealth in the City. the holders are afraid of being plundered & it is the same at Vera Cruitz. it is impossible to avoid the Country being Independent by any power in Spain, being the (almost) Unanimous Voice of Six or Seven Million of People. The Constitution of Spain is to operate so far as is consistent with Independence, till a Congress Meet & agree upon a form of Govt. I was lately applied to for, & sent, a Vol. of Constitutions of the U. States published a year ago. The War Seems nearly over in three of the four Southern Vice Royalties. Lima once fallen & Mexico & all is over & Lost forever to spain.

Judge Johnston* & his family left New Orleans in May last in a Vessel bound to philada. from thence after Resting went by

*Josiah Stoddard Johnston was born in Connecitcutt, moved to Virginia and thence to Louisiana. Settled at Alexandria where he engaged in the practice of law. He was judge of the district, a State Senator and United States Senator. He was killed in a steamboat explosion on the Leonen, near Grand Ecore. He was an older brother of General Albert Sidney Johnston, C. S. A.—G. P. W.

Land to N. York thence by Steam to Albany thence by Land to Utica thence by Water Along the Canal at the rate of 86 miles a day in a Boat drawn by Horses & Changed every ten Miles as far as the Canal is used, thence to the Niagara falls thence Visiting the Plains of Phipersay Sundy's Land Kings, & Wueens Towns. thence down in Steam boat to Sackets Harbour thence in a Row Boat to Montreal. thence by Steam to Qubec & then back by Steam to White Hall So. End of Lake Champlain then through a Canal to the North River to the Saratoga Springs then to Boston &c &c. then to N. York & Philada. where they write me last. they wrote me Regular from every place. their letters would make an Interest Volume, they are now about going to Washington to prepare Winter quarters. they speak during the Recess of Congress of going to Europe.

Jem who they took with them, now Nearly Grown & brought up tenderly & is really one of the finest servants I ever saw, deserted from them at Montreal & they could not Recover him & they had hired their other Valuable Servant *William* for a Steward to the Steam Boat Yankey, the Boiler broke and killed him & five other persons.—

Henry continues in the Practice of Medicine at Rapids in partnership with a Doctor Mattox from Virginia & educated at Edinburg. they have a good deal of Practice have Purchased Some property. Henry made us a Visit at Nackatosh last Week, he says you never write to him he is much Esteemed where he lives, but is becoming a little old looking fellow his hair is getting grey & he puts one to look at him, in mind of a dried apple. he is going to be married to a very young girl by the Name of Wells a Native of that place, her father & Mother are both dead. I know nothing about her, she is entirely reputable & has a little property perhaps \$5000—

The foregoing Scrawl was written with the Children about me, Amidst momentary interruptions I believe it will be difficult for you to make it Out.—

We have here an Excellent School under the Superintendency of Mr. Samuel Ruddock last of Charleston S. C. where he had kept an Academy for many years, he Excells in Astronomy & the higher Branches of Mathematick you would be pleased with the progress Ann & Eliza are making.

You may remember a Relation of Ours Cyrus Sibley being a long time a prisoner in the Havanna & when he returned found his Houses. Mills &c all Burnt. his Cattle lost & had Nothing left but the Esteem of those who knew him. I lately Rect. a letter from him. he is now one of the Judges in the State of Alibami & is worth in Mills House. Negroes & lands from sixty to one hundred thousand dollars. is unmarried & highly esteemed by his neighbours.—By our last Cencus the Whol population of the Parish of Nackitosh was a little less than ten thousand & in the

Town Near one thousand the State about 152,000. there will be an effort made at the Ensuing Session of our Legislature to call a Convention to amend our Constitution, there are many parts of it highly objectionable, & now the subject of the Admission of Wt. Florida is settled, that part of the State require the right of passing at least upon the Constitution, under which they are placed.— By the Treaty with Spain the Commissioners of Both parties were to meet at Nackitosh within a Year from the Ratification of it, but Since Mexico has become Independent Some difficulty will probably arise. The Independent Country will hardly permit a Royal Commissioner to fix their boundaries. Col. McRea of Wilmington No. Carolina was appointed by the President the Commissioner on the part of our Government, Several other Persons were nominated for that appointment, amongst them I was one, & have been informed by a letter from Washington that in case Col. McRea should not accept I stood the next on the list.* there will be a difficulty about the River Sabine. the Main Branch is the Nechez, which is beyond Nacogdoches. the treaty obliges the Commissioners to begin in the Sea at the Mouth of Sabine & keep up on the West Bank. by the old Maps it lost the Name of Sabine from the Junction of the Nechez which is about sixty Miles from its Mouth. & the Branch that Modens call Sabine used to be called the Mexicano River. Should we be able to fix the Natchez as the Boundary it will give us an Acession of a tract of Country of about one hundred Miles by three hundred. & will give us at least three hundred miles more of the South Bank of Red River than though the East Branch is taken. many Intelligent Gentlemen are of my opinion, on this Subject.—

Recd. a letter yesterday from Johnston Written in Washington where he came 25. Sept. to procure Some Armed Vessels to be sent into the Gulph of Mexico to persue the Pirates. it is done. he procured quarters for the Winter. Returned Back to Philada. where Ann & Eliza were. he had been by himselfe to Connecticut in the Steam Boat Connecticut, the papers describe the Scene in the Storm, he was out in it.

Give my Love to Our Daughter in Law tell her how much we all want to see her.—

Yours Affectionately

(Signed) JOHN SIBLEY

George C. Sibley Esq.

*He was not appointed.—G. P. W.

**LETTERS FROM DR. JOHN SIBLEY OF LOUISIANA TO
CHRISTOPHER C. BALDWIN OF WORCESTER,
MASSACHUSETTS, 1832-1835**

Printed from Copies furnished to Mr. G. P. Whittington of Alexandria, La., by
Mr. Clarence S. Bingham, Librarian American Antiquarian Society,
Worcester, Mass., owners of the originals and published
here with its consent.

Natchitoches, Oct. 8, 1832

SIR,

With pleasure I loose no time to acknowledge the receipt of your letter dated Worcester Aug. 30, 1832. My heart is warmed with what you mention about Sutton the place of my nativity & of my father. I think I recollect Jonas Sibley, & his father I think was Capt. Nathaniel Sibley. He too as well as my father used to wear a cocked hat, but it is more than forty years since I was at Sutton. My father's family was large, my mother had 14 children, 12 sons & two daughters. We were scattered in different parts of the United States. Within about five years five of my brothers have died, one in Connecticut, one in Ohio, two in the State of New York & one in Maine. I have, or lately had two sisters living in Sutton. One I think was married to a Mr. Cummings & the other's husband was Waters. They never write to me & I know very little about them. When you see Jonas Sibley you will greatly oblige me if you will obtain from him what he knows about them. I should be much pleased to know who occupies my father's farm, anything & everything else about Sutton. I was in New Orleans in March 1820 & had been for several years a member of our Legislature, was going to visit my native country. Mr. Livingston advised me not to go to sea at that season of the year, but to come home & return again in two or three months. I took his advice, but before I was ready to return I heard of my father's death. My desire to make the journey was so diminished that I never went. I shall keep in mind the object of your letter and shall omit no occasion of collecting & forwarding to you whatever may appear appropriate. I shall be in New Orleans the ensuing winter & if I live the succeeding winter, being again elected a member of our Legislature for two years. It will be convenient for you to inform me to whom I may send anything for you, in Boston or Providence. This letter is merely to acknowledge the receipt of yours, & to assure you of the pleasure your letter has given me. I used once to be acquainted in Worcester. I knew Mr. Thomas, the Chandlers, Lincolns, Paines, Stearns & Bigelows and the old minister McCarty and many others. . . . I have lived here 28 years. I

lived in Fayetteville, North Carolina 13 years. I lost there by fire all my houses, & a printing office, & 4 years ago sustained a similar loss here of a large store of drugs & medicines & several houses with most of my library, &c, &c. I have one son living in Missouri, one a practising physician in the Parish of Rapide on Red River; one daughter now in Philadelphia, the wife of Judge Johnston one of our Senators in Congress, two daughters in a convent school near New Orleans, & two younger boys at school here. When you write to me again I request you not to pay the postage. I promise myself much satisfaction in our future correspondence & will endeavor to make it reciprocal.

Am with great esteem &c

Your ob't. servant

JOHN SIBLEY

Christopher Columbus Baldwin Esq.

Natchitoches, April 30, 1833

DEAR SIR,

I arrived home from New Orleans the 20th instant. I was there about three & a half months. Before I left the city I had had put up for you to be forwarded to Boston as you directed a box containing Judge Martin's History of Louisiana in 2 vols. & a printed copy of De LaHarpe's Journal & a manuscript of a German gentleman that passed through Natchitoches several years ago. He left a box of papers & all except the one I have forwarded to you were destroyed by the mice, this being bound escaped. And Mr. Eustice our present Secretary of State (nephew of the late Governor Eustice of Massachusetts) with whom I had a conversation on the subject, he promised to select for you from the documents in the office of State some of everything that could be spared & send them to Messrs. Green & Lincoln's Counting Room which could be put in the same box with those I left there & directed to Mr. Blake as you desire. If in future I can find anything proper to send to you I certainly shall not neglect it. I proposed to introduce in the Legislature a resolution directing the Secretary of State to forward to you from time to time from his office copies of any document in his office that might in his opinion be appropriate to send you. I mentioned it to the Governor, the Secretary and several of the leading members of both Houses. They all were of the opinion it was not necessary, that the Secretary would be justifiable in doing it without the Governor & the Secretary & some others read your letters, & Judge Martin in particular, which they highly pleased (praised) & he requested me when I wrote to you to present to you for him his compliments & best wishes. He talks of taking a journey in a visit as far as Boston. If he does he will certainly see you. He spent many hours & often with me at my room.

He intends to publish another addition of his history of Louisiana considerably enlarged to which I shall contribute something. I shall if I live attend the Legislature next year & probably as long as it will be convenient for me to consent to be reelected, & shall not forget you. Your letters will always afford me very great pleasure, everything about my native town particularly. I received a letter from Mr. Earl requesting a collection of shells from Red River. Such a collection must be made in the fall when the waters are low. This river & adjacent lakes afford no great field for the conchologist. There are some variety. I have found here some beautiful specimens of the pearl oyster but in a state of decomposition. In the bed of the river & lakes adjoining living coles & muscles are found & the Indians use them as food. We make lime of the shells. Some remarkable strata of shells have been found more than twenty feet below the surface of the earth, in digging wells which have been decided to be marine production & left by the receding of the sea, of which many indications appear, as the formation of rock more or less perfect as found at different distances from the sea. I beg you to accept my best wishes for your health, long life, prosperity & happiness.

Am your most h'ble servant

JOHN SIBLEY

Christopher C. Baldwin

New Orleans, Feby 23, 1834

DEAR SIR,

I was this morning invited by Dr. Davidson to take a ride with him in his carriage. He took me to the house of Benjamin French, Esq, in the foburgh St. Mary. Mr. French is a wholesale dry goods merchant, formerly from Philadelphia, has a charming little family of his wife & two children, a son & a daughter, his family residence in a rural place of retirement exactly suited to the taste of a phylosopher & an antiquarian. I don't know when I have spent an hour so gratifying to my taste & feelings, I could have spent a month without tiring. Mr. French is an antiquarian from an early taste & habit of thinking. He was an acquaintance of Charles Thomson, Secretary of Congress. He has in his possession he believes the only copy in existence of the Journal of the Congress that met in Albany in 1765, has many letters to & from Mr. Thomson. He visited Europe in search of objects connected with his pursuit & spent (he says) three thousand dollars in procuring rare papers and fact similies. He has the Proceedings of the Brittish Parliment, who with Cromwell at their head signed the sentence of Charles I, a fact similie of the signatures, & an hundred other things of the kind. I proposed to him to send them all to you, where they would be in lasting preservation, & how much they would be esteemed by you. I hinted to him the liability of their being lost

here. He listened with a seemingly yielding consent to what I said. I was obliged under a promise to return & spend the day with him, if I could, & at parting told him that I would mention his name to you in such a manner as to give rise to a correspondence between you & him. He said nothing would give him greater pleasure. With all I think he has a little laudable vanity, and if you take that into consideration, he is a gentleman of learning, & to obtain all his papers make him an honorary member of the Society. I do not believe any reasonable sum in money would purchase them. I think from the foregoing hints you will know what to do. I see Judge Martin often, he spends an hour or two in my room frequently. He often speaks of you, is much pleased at being made an honorary member. The Legislature has given him leave of absence for six months from next June. He says he will make you a visit. If he does you must announce his arrival & visit in the newspapers & give him several copies.

If you should succeed in obtaining from Mr. French the documents aforementioned I shall claim some of the merit of the acquisition.

This letter is written in a hurry to get it in the mail & all the city militia are out to-day & in procession.

I am with very great esteem

Your most h'ble servant

JOHN SIBLEY

Christopher C. Baldwin, Esq.

Natchitoches, May 28, 1834

There is an Act of the Legislature of this State authorizing the Governor to procure & forward to the American Antiquarian Society copies of the Laws of this State & copies of the Journals of both Houses of the Legislature. I have urged the Governor to comply with the Act, & advised to have the box containing the books which are to be bound committed to the care of the house of Green & Lincoln of New Orleans which I am confident will be done. I hope you will receive them safe.

I always keep in mind that Institution & shall neglect no opportunity of contributing something to so valuable Institution. I receive the Massachusetts Spy sometimes. I believe they are mailed regularly for me but our mail establishment like other branches of our general administration is going very foul. When you do me the honour of a letter (which I highly prize) will you inform me to whom I am indebted for that valuable newspaper, I believe the oldest in the United States. My father used to take it when I was a boy.

Have you commenced a correspondence with Mr. French of New Orleans?

Judge Martin intends to make you a visit this summer. He is going to France & will (sail) from New York or Boston. I heard with regret of the death of my friend & relation, Mr. Sibley of Sutton. Anything from that place & Worcester is most interesting to me. Our part of the country is healthy, in a rapid state of improvement, & a prospect of the most abundant crops ever known, more ground in cultivation, & more industry, but we severely feel the general pressure occasioned by the President's experiment. I think the old man should quit projects. I have known him this fifty years. He has done as I always predicted. He is good to fight Indians. It was a strange act of fanaticism making him President. I wish we may escape a revolution, God only knows what is in store for us; the Scripture says "Whosoever God willeth to destroy, he first makes them foolish." Congress cannot & ought not to pass the General Appropriation Bill in this state of things. In that event what will become of our army, navy, post office establishment, &c., &c.

Am very respectfully

Your most h'ble servant

JOHN SIBLEY

C. C. Baldwin, Esq.

Natchitoches, June 20, 1835

SIR,

I received a handsome, well written letter by the last mail dated Cambridge, Massachusetts and signed John L. Sibley. The writer mentions your name in the most respectful manner as an acquaintance. You will oblige if you will inform me who that individual is & what he is.

I have requested Governor White to send you the Acts & Journals of the Legislature of this State & pointed to him the resolution of the Legislature for that purpose.

I receive the Massachusetts Spy pretty regular, allowing for the derangement of the post office department. I attribute that favor to yourself. Will you be pleased to give to the proprietor of that paper the enclosed bill, with my best respects? He will enter the bill to my credit on his book & continue to send them if he pleases.

It will give me great pleasure to receive a letter from you.

Am with great esteem

Your h'ble servant

JOHN SIBLEY

C. C. Baldwin, Esq.

GOVERNOR CARONDELET'S LEVEE ORDINANCE OF 1792

Transcribed and translated by LAURA L. PORTEOUS

From the certified copy in the archives of the Louisiana State Museum, New Orleans, donated by the late Miss Kate Minor.

TRANSLATION

The maintenance of the levees interests all the inhabitants where crevasses ruin in an instant the fruits of a year of labor of all the citizens, whose fortune and existence depends in a great part upon the success of the crops. The Government has judged it proper to publish the following regulations which will be observed with the utmost strictness without exception of any person.

Messeurs the residents heretofore named syndics are continued in this charge for this year and the next in consideration of the particular knowledge that they have of their district. Their persons and their orders concerning the levees will be respected by all the inhabitants of their district and obeyed punctually under penalty of fine of forty piastres applicable, one half to the Royal Treasury, one half to the Hospital for the Poor, on those who shall speak injuriously of them and of one hundred piastres levied upon the negroes, (of the) plantation, of those who fail (to obey) their orders.

Messrs. the syndics, will make forthwith a rigid examination of the levees of their district and will assign to each inhabitant the work that he will have to do there as soon as the crops will be finished.

All the levees will be raised in proportion to the last rise, the highest that the river has reached in this year. All ditches actually existing on the inside of the levee on the river side will be carefully filled and replaced by a sloping bank or embankment which will lose itself imperceptibly at the edge of the river and which will be planted in short grass. *In the most exposed places to be removed.*

The transpiration (surface) ditches on the side of the field adjoining the levee will likewise be filled up with care and replaced in the necessary place for collecting the waters together

by a ditch dug at six good toises distance from the said levee on the side by the cypress grove.

All abandonment of live stock is generally forbidden from the time of the seed planting up to that of every sort of harvesting, under penalty of confiscation for the benefit of the Hospital for the Poor and indemnity in favor of the owner. Pigs are comprised in this said prohibition.

Every horse, mule, cow, ox, pig, that will be found on the levee without a driver will be confiscated for the use of the Hospital for the Poor and the owner of the levee will be indemnified for the damage occasioned to it. In the most dangerous places exposed to crevasses, the owner will have to have at all times a deposit of pickets, planks, Spanish moss and other articles necessary to stop the crevasses under penalty of a fine of one hundred piastres.

As soon as there will be a crevasse the syndic of the district will issue an order to each resident of the said district to send to him the number of negroes that he will judge necessary, whose days work will be paid to him by the owner of the land at the rate of four reales; the one who will disobey this order will be punished by a fine of two hundred piastres.

If the negroes of the district can not suffice, the syndic will advise the Government who will provide them without delay.

Messrs, the syndics will likewise report to the Government the residents who are out of condition to keep up their levees for the want of negroes and means. They will be ordered to sell their lands at the end of the harvest.

All the said fines will be collected by the Government on the report of Messrs, the syndics, and applied by one half (each) to the Royal Treasury and the Hospital for the Poor.

Messrs, the syndics, will assemble messrs, the residents, of their district and will read to them the present regulation which they will leave with them to take a copy if the said residents demand it of them.

New Orleans, this 28th. of June 1792.

The Baron de Carondelet.

This copy conforms to the original which remains in the Archives of this Fort and was delivered to the Syndic of the District, Don Hubert Rowel by order of the Baron de Carondelet.

Governor General of this Province to the end that it may be known and observed.

Fort Baton Rouge 1st. of September of 1792.

Jph. Vazq^h. Vahamonde.

TEXT.

L'entretien des Levées interessant tous Les habitans, dont Les crevasses ruinent dans un instant le fruit d'une année depeine et tous Les citoyens; dont La fortune et L'existence depende en grande partie du Succés des recoltes, Le Gouvernement a gugués a propos de faire publier Le reglement Suivant qui observée Sans exceptions de personne, avec La derniere riqueu.

M^{rs}. les habitans ci devant nommés Syndic, Sont continues dans cette charge pour cette année et La Suivante en égard aux connoissances particulieres qu'ils ont de leur district; leur personnes et Leurs Ordres concernant Les Levées Seront respectes de tous les habitans de leur district et obeir punctuellement, Sous peine de quarante piastres d'amende, aplicables mortié au fix Royal mortié a l'hospital des pauvres, a celui qui leur dira des injures et de cent piastres pre-levées Sur les Negres habitation a ce lui qui manquera a leur ordres.

M^{rs}. les Sindics feront des à présent une visite rigoureuse des Levées de leurs district, et marqueront a chaque habitant le travail qu'il aura a y faire aussitôt que la recolte Sera fini. Toutes les levées seront rechargées a proportion de la derniere crue la plus élevée que le fleuve a en cette année, tous les fossés qui existent actuellement en dedans des Levées du côté du fleuve Seront exactment bouchés et remplace par un glacis ou talut qui Se perdra insensiblement sur le bord du fleuve, et qui Sera garni de gazon dans Les endroits les plus exposés a être emportés.

Les fossés de transpiration du coté de la campagne a tenans a la levée Seront également complés avec Soin, et remplacés dans les endroits nécessaires pour le rassemblement des eaux par un fossé creusé a Six bonnes toises de distance de la dite levée du côté de la cipriere. tout abandon des Bestiaux est Generalement défendu depuis l'époque des Semences Jusqu'à celle de toute spece de recolte Sous peine de confiscation au profit de l'hospital des pauvres et dimdemnite a faveur du propriétaire: Les Cochons Sont compris dans la dite prohibition.

tout cheval, Mule, vache, Boeuf, cochon qui Sera rencontre Sur Les Levées Sans conducteur Sera confisqué au profit de l'hôpital des pauvres, et le Maître de la Levée Sera indemnisé du dégât occasionné à icelle dans les endroits Les plus dangereux et exposés aux crevasses les propriétaires Seront tenus avoir en tout tems un dépôt de piquets, Planches, Barbe espagnole, et autres objets nécessaires pour boucher les crevasses, Sous peine de cent piastres D'amende.

Des qu'il Se sera une crevasse le Syndic du district passera un ordre à chaque habitant du dit district d'y envoyer le nombre de Nègres qu'il jugera nécessaire dont Les journées lui Seront par Le propriétaire de la terre à raison de quatre reaux; celui que desobeira à cet ordre Sera puni de deux cent piastres d'Amende.

Si les Nègres du district ne peuvent suffire le Syndic en avertira le Gouvernement qui y pourvoira Sans delay.

M^{rs}. Les Syndics feront également part au gouvernement des habitants qui Sont hors d'état de maintenir leurs levées par faute de Nègres et de moyens, et il Leurs Sera enjoint de vendre leurs terres à la fin de la récolte.

toutes les dites amendes Seront perçues par le Gouvernement Sur Le rapport de M^{rs}. Les Syndics et appliqués par moitié au Fiscal Royal et à l'hôpital des Pauvres.

M^{rs}. les Syndics assembleront M^{rs}. les habitants de leur district et leur feront lecture du présent règlement dont ils leur laisseront prendre copie, Si les dits habitants la leur demandent.

Nelle. Orleans ce 28 Juin 1792.—El

Baron de Carondelet.

Es copia conforme al original q^o. queda en el Archivo de este Fuerte y se entrega al Sindico del Distrito Dⁿ. Hubert Rowel p^r orden del S^{or}. Baron Carondelet Gobernador Gral. de esta Provincia, para los fines que le Conbengan, Fuerte de Baton Rouge I^o de 7^e de 1792.

Jph. Vazq^h. Vahamonde.

LAURENT MacMAHON

First Councillor in the Superior Council of Louisiana, Director of the
Company of the Indies at New Orleans.
1730-1731.

By HENRY P. DART

The histories of Louisiana do not mention the name that heads this paper and yet for a brief space during the French regime the man was a marked character and a dominating influence in New Orleans. He arrived in the little town by the river one September day in 1729. His appearance at once created a faction among the rulers—he was a storm center in the Courts and notwithstanding the antagonism he created, he thereafter rose rapidly to power and during his whole career here received no serious setback. His capacity for good or evil ceased only when the Company of the Indies lost control of the Colony. We have not been able to ascertain his origin. His name suggests an Irish ancestry, and whether an adopted or a native citizen of France, he evidently was equipped with all the characteristics that have for centuries enabled the Irishman of wit and courage to drop upon a foreign soil and win its heart and take over its political management.

The story of the Smuggler St. Michel in the Quarterly for July, 1924,¹ is written around the adventures of Laurent MacMahon in New Orleans in September, 1729. Briefly, it appears that on the morning of the 2nd, news reached the city that the French ship St. Michel, was lying at anchor at the "Balize," at the head of the passes of the Mississippi, and that she was under the control of the Sieur MacMahon, who was surreptitiously engaged in disposing of her cargo of brandies and liquors and fine linens and other merchandise, to the residents on both banks of the river and even in the city itself.

In short, the St. Michel was a smuggler and the Sieur MacMahon a bootlegger, both engaged in violating the sacred monopoly of the Company of the Indies guaranteed by the King, and doubly secured by the Charter of the Company and the approval of the Council of State of France. Under the iron rule of this monopoly no ship could enter the river that was

¹La. Hist. Qy., Vol. 7, pp. 371-413.

not sent hither by the Company nor could any merchandise be lawfully brought into Louisiana that was not the property of the same owner.

At that moment (September, 1729), Stephen Perier was Governor of Louisiana and Jacques de la Chaise was the representative of the Company with plenary powers that absorbed all the executive authority of the Colony. He was Ordonnateur (Intendant). He controlled the Superior Council (the Law Court and local legislature of Louisiana). He had the right to suspend and discharge any of the employees of the Company in the Colony and he made and unmade all the local officials at his will. The Governor it is true held his Commission under the Great Seal of the King on the recommendation of the Paris Council of the Company, but he was warned at the time of his appointment to work in harmony with the Master of Louisiana,—de la Chaise. It is another story but nevertheless a fact, that in 1729 Perier had already fallen under the displeasure of La Chaise, and the ground was even then slipping from under his feet, but death served him a good turn by calling La Chaise suddenly in March of the succeeding year.

Among the officials of the time was Francois Fleuriau, Procureur General. He had support in France but he had previously felt the weight of La Chaise's hand, and held office now only by his grace. Antoine Brusle was titularly the first member of the Superior Council and he exercised all the functions of that office that were not absorbed by LaChaise, but he was one of his "men" and had survived the many inroads on the Council during LaChaise's time only because he was "reliable" and could be depended on by his master.

This was the setting of the local scene when MacMahon made his dramatic entry on the morning of September 2, 1729. LaChaise acted promptly, he set the law in execution, the smuggled goods, the money resulting from the sales of the same, the cargo on board the St. Michel, and the ship itself were promptly seized under proceedings looking to the confiscation of the whole for the benefit of the Company. On the morning of September 3rd at seven o'clock, LaChaise bearded MacMahon in his lodgings, who immediately admitted that he had sold the merchandise and liquors, but averred that he had done this only to obtain provisions needed by the vessel and

to make repairs on her; that the vessel was en route to Mexico and had sprung a leak and detoured to the Balize to make these necessary repairs to enable her to resume her voyage. But while making these frank statements he in his turn interrogated LaChaise, demanding from him his reason for all this discussion and hub-bub. He promptly demurred to LaChaise's right to push the matter as he was doing and he declined to sign the proces-verbal of this inquiry,

"denying the jurisdiction of the Council and protesting with all his power against all that was done on the above mentioned day and year."

Considering the place and the time and the dignity and authority of the magistrate, this flippant challenge of the power of LaChaise must have fallen on the latter's ears with astonishing force. It seems to have stunned the magistrate, for he waited two whole days before resuming the local attack on MacMahon and his property, but meantime he had sent to the Balize the *Sieur Louis Prat*, member of the Superior Council, and *Claude Gabriel Gontier*, the Clerk, who boarded the vessel and interrogated sundry persons thereon, getting moreover no better explanation than the chief had himself obtained in his early morning interview with *Sieur MacMahon*. The deputies, however, sealed the hatches and cabins and brought the *St. Michel* to New Orleans. Armed with all this evidence and sure of his rights, LaChaise convened the Superior Council which once had been absolutely subservient and quick to do his bidding.

But here he struck a snag, the wily Frenchman with an Irish name had not been clapped into jail as he might well have been and he had used the interval to mend his fences and to strengthen his hold and enlist local aid to maintain his defiance of the law of the land. The first jolt to LaChaise came from *Fleuriau*, the complacent Procureur General, whose obsequiousness was however only on the surface. Beneath it he hated LaChaise, and had at the peril of his job written many scurrilous letters to France about the Master. The Procureur now suavely asked to be excused from further prosecution of the case on the ground of relation to the parties,

"he had recently been informed by his mother-in-law that *Pelagie de Morieres*, his wife and the wife of *Sieur*

Lobry of St. Malo, Captain of the St. Michel, are second cousins, and in consequence of this relationship the Procureur must be recused in accordance with the First and Fourth Articles of Title Twenty-fourth of the Ordinance of 1667."²

This plea was promptly overruled by the Council and properly so on the ground that he was a prosecutor and not a judge, and faint-hearted Fleuriau was ordered to go on with the task. But other surprises were in store for LaChaise, his old reliable, Bruslé, the head of the Council, reported he had heard lately

"that Cecile LeBlanc, his wife, and the wife of Sieur Lobry, Captain of the St. Michel, were second cousins, and consequently under the Ordinance he must recuse himself,"

and the Council acquiesced. Next came Perier, the Governor, who solemnly advised the Council

"that he felt conscientious scruples about sitting in judgment in the case for the reason that having long been an intimate friend of Sieur MacMahon, he has not been able to refrain from giving his advice and assistance since his arrival in the City upon the question at issue and that this compelled him to retire from the court."

Thus we see that MacMahon's good missionary work had not only removed the Governor from the prosecution, but had made him an ally in the defense. He had also taken out of the situation Bruslé, the official head of the Council, and these two retirements left on the bench a bare quorum of that body, namely, LaChaise, Prat, Dausseville and Baron. He had also won an expression of opinion from the Procureur General adverse to the proceeding and the latter's half-hearted and enforced prosecution of the case was expressly noted in the final judgment which was rendered "without regard to the conclusions of the Procureur General of the King."

In its results these defections did not swerve LaChaise nor prevent the Court from proceeding to its duty to the Company. That body even as left by the recusations was really a court only in name, it was in this instance merely the reflection of the views of one man,—LaChaise. Prat was the brother

²This is the Civil Ordinance of Louis XIV, which was the law governing Louisiana in legal procedure.

of the Royal Physician who was of course, subject to LaChaise's orders; Baron was an astronomer on the payroll as the Chief Scientist of the Colony, holding as was not unusual then, the dual office of Councillor. He had been sent to Louisiana in 1727 to strengthen LaChaise and had been in the Colony only since 1728. D'Ausseville was a favorite of the Company and a loyal supporter of the Government. He had been selected in 1726 as second in the body of five new Councillors who were appointed to assist in the "clean sweep" of the Bienville administration. He had received a grant of land and twenty negroes to cultivate the same. He was given also the job of auditing the Company's books in Louisiana from 1717. He had in addition to his other perquisites been granted a commission of one-half of one per cent on the value of all exports from Louisiana and with these hooks of steel to bind him to the Company's interest, Raymond Amyault Sieur D'Ausseville with his high-sounding name, could be absolutely relied on to stand by LaChaise and to put the smuggler where he belonged.

And so in due course the St. Michel was condemned, she and her cargo and the proceeds of the same, lock, stock and barrel. But the astute MacMahon, advised by the Governor and coached by Bruslé, the first Councillor, abstained from participation in the proceedings and manfully stood upon his rights. Some kindly hand moreover wrote into the judgment that the Court had delivered to him "An act of his declaration and protest," thus preserving on the face of the record his declination of jurisdiction and his appeal to the throne in France.

In our paper on this interesting and exciting event of September, 1729, we said,

"Whether and how and when the judgment was executed our record does not show, but MacMahon remained in the Colony and eventually became a member of the Superior Council, doubtless through the friendship of Perier and also doubtless through the radiation of that powerful second cousinship of his captain to sundry important people of the time. But he did not climb into the Council until de la Chaise had died and even so, D'Ausseville, one of his judges and still a member, protested against his appointment."

Since writing the above there has appeared the first volume of Mrs. Surrey's great index of the documents pertaining

to Louisiana in France, covering the period through 1739. Our own work on the archives in Louisiana has advanced slightly beyond the same date. From these new sources we can now add another chapter to the story, thus it appears that on October 1, 1729, Perier reported to the Minister the confiscation of a cargo in New Orleans, indicating that between the judgment of September and the date of the report to the home government, MacMahon had managed to modify the judgment and save his vessel.

The Archives do not retain LaChaise's report, if he made one. In those days travel from Louisiana to France was by the slow medium of small sailing vessels and if one happened to be in port ready to sail, three to four months were nearly always consumed in the voyage and a greater time, of course, if no vessel was ready in port. In this instance it is not to be doubted that the same ship that carried Perier's report also carried the proceedings of the Council and MacMahon's protest and appeal. In the face of his appeal the local Council would scarcely undertake to put its judgment into execution, and would hold the statu quo until the same had been acted on in the Council of State.

MacMahon seems to have had powerful friends in France, for on April 17, 1730, he was nominated by the Company as a Councillor in the Superior Council of Louisiana, and the King's commission followed on the 21st, and at the same time a special job was created for him,—“General Storekeeper of European Merchandise in Louisiana.” This advancement of MacMahon to a seat in the Superior Council, and his appointment as general storekeeper of European merchandise, placed him on an equality with his late judges, and put under his management his own merchandise seized from the St. Michel. It was the first slap in the face that LaChaise had received from the rulers in France since his appointment. Nothing more spectacular had indeed occurred in the reforming five years that Bienville had been in exile. The Smuggler and Bootlegger had made by these appointments a social ascent quite unparalleled in the annals of the Colony.

But LaChaise never heard the pitiable story. He was dead at the time this scene was being enacted, though this was not known in Paris. The end came suddenly in March, 1730. Gayarre says:³

³Gayerre, *Louisiana, its Colonial History and Romance*, N. Y., 1851.

"This year the Colony lost de la Chaise, one of the worthiest men it had yet possessed. He left a name deservedly popular among the people for unflinching integrity and for the impartiality with which he checked abuses of power and punished delinquencies among those who hitherto had always been sure of impunity. His sudden death gave rise to some dark rumors of his having been poisoned by those who had cause to fear his investigations. These rumors were long rife in the Colony."

What was the support behind MacMahon's career? There are many suggestions in reply. Graft permeated official France even as it did her colonies. Was it possible that MacMahon's adventure with the St. Michel was an incident of the prevalent disease? Were his partners intrenched in the Council of the Company in France? That he was "protected" higher up has been demonstrated and it must have been a powerful "pull" that overrode LaChaise, the most trusted agent of the Company and subjected him to the indignity put upon him by the elevation of MacMahon to one of the most important offices in Louisiana.

Perier reported the death of LaChaise in a dispatch of March 18, 1730, and announced that Antoine Bruslé, first Councillor, had taken over his vacant office. That dispatch crossed if indeed it did not precede the advices of the Company regarding the appointment of MacMahon, that is, if the usual methods of the Company prevailed, but before the news of the death could be acted on in France, MacMahon on September 9, 1730, presented his credentials to the Superior Council, knocking for admission. The proceedings of that body are printed with this paper. The minutes show that he presented

"the letters granted him by the King on recommendation of the Company of the Indies, dated September 6th and the 23rd of April last, the letters sealed with the Great Seal of Yellow Wax conferring the office of Councillor in said Council."

In this entry the date September 6th is inexplicable. There is no such record in Surrey's Calendar and our files contain no reference to MacMahon earlier than September 2, 1729, the date of LaChaise's raid on the St. Michel and her cargo. The fact that the contemporary minutes of the Superior Council carry this as one of the dates in the Letters Patent adds sub-

stance to our suggestion that his adventure had support in the Council of the Company at Paris, but it is also another mystery in the career of this extraordinary man. The minutes do not show that the tender of his documents excited any particular notice. The proceedings were if anything more hurried than usual. It was the law then that any Commission for any office below that of Governor or Ordonnateur had to go through a fixed routine. "An Inquiry into the religion and morals" of the appointee was sacramental and other Inductions into Office show that this was conducted in a leisurely fashion with due observance of all the rules.⁴ In MacMahon's case, the official inquiry was not conducted under oath, but certificates of four prominent officials of the Colony and of Pere Raphael, priest, were received in lieu of the statutory requirement.

The news of LaChaise's death was followed in France by the appointment on July 22, 1730, of MacMahon as First Councillor in the Superior Council, evidently to take Bruslé's place vacated by his advancement to the vacancy of LaChaise. We have nothing in our files to show the action of the Superior Council upon these credentials, but that is not to be taken as indicating anything more than a loss of that record in the neglect of our files in the years of their seclusion before the Society began to take steps to protect them. In the interim while honors were being poured upon him, MacMahon did not lie idle. On the contrary, he used his official protection and position to push his trading adventures into the coveted territory of the Spanish Colonies. Thus on August 6, 1730, he writes to the Comptroller General in Paris that he is leaving New Orleans on the *St. Michel* which is loaded with merchandise for the *Spanish trade*. There is a certain boldness and confidence and lack of secrecy in the communication that shows he knew he was safe in breaking the trading regulations of the Company to invade territory where French trade was forbidden and when ship and cargo was subject to seizure and loss. Was this ardent sailor also in league with Spain's corrupt colonial officials?

The Archives in France show that during the whole period of the rule of the Company, the latter had encouraged Spanish

⁴See *Politics in Louisiana, 1724, Inauguration of Governor Stephen Perier*, Louisiana Historical Quarterly, Vol. 5, 298 (July, 1922).

Inauguration of Governor de Vaudreuil, 1742, Louisiana Historical Quarterly, Vol. 6, 568 (October, 1923).

Induction of LeNormand, Commissaire Ordonnateur, *Ibid.*, 573.

Induction of Councillor Assessor Pasquier, 1737, Louisiana Historical Quarterly, Vol. 10, p. 68 (January, 1927).

traders from Mexico to buy goods at New Orleans and at times great quantities of French merchandise were kept in the store houses here to supply this trade even when the local necessities were crying for such supplies. Nor was it unusual for the Company to send or encourage the sending of vessels direct from France to Mexican ports, for this purpose and many such vessels sailed direct from New Orleans.⁵ It is entirely possible therefore that MacMahon's first voyage to Louisiana was in truth a venture in this illicit trade with full knowledge of the Company, who may have kept and probably did keep the secret from its officials in Louisiana and certainly from LaChaise. The smuggler and bootlegger of LaChaise's condemnation from this point of view was in truth an honest merchant plying his venture with the full consent of the Company in France and this would account for his bold demeanor before the local rulers in New Orleans and account also for the success of his "appeal to Caesar."

We have noted the absence of minutes upon the Induction of MacMahon as First Councillor. A later entry shows that quite a disturbance had occurred at that meeting, set on foot by the *Sieur D'Ausseville* who vigorously protested and said some unpleasant things about the *Sieur MacMahon*. It required courage to protest against the seating of the bearer of the King's Commission and still greater courage to face and disobey the authority of the Great Seal impressed upon the Royal Yellow Wax. The moral dignity of the protest is enhanced when it is remembered that *Dausseville* and all those present at the session held office by the grace of the Company and by virtue of credentials in no wise to be differentiated from those presented by MacMahon. Nor did they hold for a term or by any other tenure than the will and pleasure of the Company, for as we have previously said, the King never took the initiative and registered only the Company's desires.

But the King's warrant was nevertheless the source of the gift of office and was a Royal Act and the doctrine of *lese majesté* was a settled rule under the Kings of France who governed Louisiana in the Eighteenth Century. It was enforced rigidly and too often without any respect for the person of one charged with the offense. It was *lese majesté* or worse, to oppose the Royal Mandate and there was for the offender no

⁵Surrey, *The Commerce of Louisiana During the French Regime*, pp. 388-9.

such defense as the right of every man to his own opinion. Of course, such conduct on the part of a mere office holder was rank political heresy and furthermore it was then, as it is now, political suicide to differ from one's superior who created the means or fed the source of one's official existence.

All this was involved in the action of Dausseville when he protested against the seating of the man upon whom a short twelve months before he had sat in judgment at that very Council Board. We can imagine the dismay this unusual conduct created, but according to French habit the incident seems to have been duly recorded in the minutes. The town talked about it and the Sieur Dausseville himself helped to spread the gossip started by his conduct at the meeting. For a while the Sieur MacMahon held his peace and let the tattling tongues wag on, but on July 14, 1731, he startled the Council anew with a petition wherein he thrusts his official position before the eyes of his confreres and demands relief.

"Very humbly shows MacMahon Director for the Company of the Indies⁶ that it may please you to order by intervening decree that the protests made against him by Sr. Dausseville during the audience, which are injurious (to him) be erased and struck off the 'cahier' on which they have been inscribed and notably those made at the time of the petitioner's reception as First Councillor and that Sieur Dausseville be prohibited from repeating them under such penalties as shall be fit and will do justice."

This bomb-shell was deflected for the moment by the presiding officer, who endorsed thereon,

"The protest urged will be reported from the table at the next session of the Council for proper action.

(Signed) "Bruslé."

The minutes of that "next session" are not in our files but the absence of the offensive minutes covering the induction of the Sieur as First Councillor would suggest that probably they were "struck off" literally and physically. We may rely on it also that the Sieur Dausseville thereafter swallowed his contempt

⁶We find no record of his appointment as such and the allegation means perhaps that as First Councillor he was ex-officio director for the Company.

⁷"Cahier"; a book of loose sheets which would indicate the minutes were kept in that form.

and kept his peace whenever the fighting sailor MacMahon made his entry in the Council Chamber.

But even while MacMahon was enjoying this triumph, the ship was approaching bringing news that would make his laurels wither and fade. This was the notice that the Company had surrendered the Colony and that the King would thereafter rule in person over his "beloved subjects" in far Louisiana. The Company had opened negotiations to that end in the preceding year but it was only on January 23, 1731, that the terms were settled and the retrocession accepted by the Crown to become effective July 1st of that year. In March the formal Edict was promulgated and on May 17th Edme Gatien de Salmon was appointed Commissaire Ordonnateur, the first royal commission of the New Regime. This was followed by the Letters Patent of May 22 for the reorganization of the Superior Council and Salmon sailed with his "instructions" and additional joint instructions to himself and Perier governing the future of the local government as a Crown Colony. On October 18th, 1731, the Retrocession and the Letters Patent were registered in the Superior Council in New Orleans.⁸ The long rule of the Company had ended and with it fell the local superstructure at New Orleans. Government by the Crown began the New Regime. Perier remained in office by virtue of his previous Commission as Governor but only until his successor could be selected.

During all of 1731 the wires were being pulled in France in favor of Bienville for this position and in 1732 he received the appointment. Not the least active of his supporters was his old friend Diron D'Artaguet who had been serving as one of the Directors of the Company since its organization in Paris in 1717, and who retained that position to the end. His qualification at the start was his local knowledge of Louisiana derived during his residence here from 1706 to 1710. He and Governor DeMuy had been charged to investigate the accusations preferred by LaSalle and de Vente against Bienville and DeMuy dying he filled the mission alone, and presided over the trial of Bienville on those charges and acquitted him.

In the reorganization of the Superior Council in New Orleans in 1731 MacMahon was left out, but before this occurred

⁸The information embodied in the foregoing summary is gathered from Surrey's Calendar, pp. 529-554.

he had picked a quarrel with Baron one of his judges at the trial in September, 1729. This grew out of Baron's refusal to approve certain claims of MacMahon arising out of his dealings with the representatives of the Company in New Orleans. While the incident may have had no influence on Salmon's choice of new members for the Council, it is a fact that Baron was not included in the reorganized body and he was recalled to France in November, 1731. It was to be expected that MacMahon would not agree with Salmon the new Ordonnateur who lives in the history of that period as an honest incorruptible servant of the Crown. The opportunity was soon presented to draw the line on the activities of MacMahon; as in Baron's case so in this, Salmon decided against MacMahon's claims to property of the Company and promptly reported the matter to the home government.

MacMahon left Louisiana in January, 1732, returning to France "in the interests of the Company." He sailed by The Gironde the favorite passenger ship of that period and reached his destination in March. The Calendar indicates that he was sustained in the Baron contention but it is silent as to Salmon's decision. We have found nothing to show that MacMahon ever returned to the scene of his stormy and unusual career in 1729-31 and it is not likely he did for the people thereafter in power were not sympathetic to the representatives of the era that closed in 1731. The story of the adventures of this man remains, however, a vivid incident in the local annals of that period and is still vibrant with life, two hundred years afterwards.

Proceedings Before the Superior Council of Louisiana at New Orleans for the Induction into Office of Laurent MacMahon as Councillor Therein, 1730

Transcribed and Translated from the Original Documents in the Archives at the Cabildo, New Orleans.

By HELOISE H. CRUZAT.

I

TRANSLATION

Sept. 9, 1730.
Reception of Sr.
MacMahon as
Councillor.

On presentation made to Mssrs de Perier, Commandant General, and (to the) Councillors of the Superior Council of the Province of Louisiana, by Sr. MacMahon, of the Letters granted him by the King on the recommendation of Mssrs the Company of the Indies, dated September Sixth and the twenty third of last April, the Letters sealed with the Great Seal of yellow wax, conferring (on him) the office of Councillor in the said Council, requiring Sr. MacMahon to be received in said charge to enjoy the prerogatives accorded thereunder which were read to the Council and deliberated on, whereupon:

The Council considering the conclusions of the Procureur General of the King, the certificates of catholicity and of the life and morals of said Sr. MacMahon, after his taking the customary oath required, we have received and do receive him in the said office of Councillor, that he may enjoy the honors and prerogatives granted him. These Letters shall be registered in our registers.

Given in the Council Chamber, September 9, 1730.

Signed: "Pr" (paraph of Brusle "P". "Dlle." "f".
without any other
signature.)

Endorsed on the reverse:

For action accordingly
(pour conclusions conformes)
(Signed) fleauriau

Note—These initials and paraph are the signatures in the order named of Perier, Brusle, Prat, Dausseville and Fazende.

Sept. 8, 1730.
Certificate of
MacMahon's
good character.

We, the undersigned, certify to all whom it may concern, to have perfect knowledge that Monsieur MacMahon since he is in this colony has lived as a respectable man, that he is thoroughly honest and that there is naught to say against his conduct which is very regular. In faith of which we have signed this present certificate.

At New Orleans, this eighth of September, 1730.

Signed: Dubuisson.

"Le Chv: de Louboey major
of the colony."

"Simars de Bellile"

"De Mondreloire."

Sept. 8, 1730.
Certificate of
Pere Raphael
of MacMahon's
religious faith,—
that he is a
good churchman.

I, the undersigned, Capuchin priest, Curé of New Orleans and Vicar General of His Grace, the Bishop of Quebec, do certify that Sieur Laurent MacMahon professes the Christian religion, Catholic, Apostolic and Roman, and that since he is in our parish of New Orleans, he has fulfilled the duties thereof, such as assisting at divine service as well as participating in the sacraments of the Church. In faith of which I deliver this present certificate, signed by my hand to serve and avail where need may be.

Given at New Orleans, this eighth of September, one thousand seven hundred and thirty.

Signed: "F. Raphael, priest, Cap. Vic. Gnl."

II

TRANSLATION

July 14, 1731.
MacMahon
petitions to have
Sieur Dausse-
ville's protest
struck out of the
minutes of the
Council.

To the Members of the Superior Council of the Province of Louisiana.

Very humbly shows MacMahon, Director for the Company of the Indies, that it please you to order by intervening decree that the protests made against him by Sr. Dausseville during the audience, which are injurious, (to him) be erased and struck off the cahier on which they have been inscribed, and notably, those made at the time of the petitioner's reception as First Councillor and that Sr. Dausseville be prohibited from

repeating them under such penalties as appertain and will do justice.

At New Orleans, July 14, 1731.

Signed: "Mac Mahon"

The same is made the special order for the next session.

The protest urged will be reported from the table at the next session of the Council for proper action.

At New Orleans, July 14, 1731.

Signed: "Bruslé"

III

ORIGINAL TEXT

9 septembre 1730.
Reception du Sr
Mac Mahon
Comme Con-
seiller.

Sur la presentation fte a Messieurs de Per-
ier Command^t General et Con^{rs} au Conseil
Superieur de la Province de la Louisianne par
le Sr Macmahon des Lettres a luy accordees
par le Roy Sur la presentation de Messieurs
de la Compagnie des Indes en datte du six septembre et vingt
trois avril der^r les Letres selles du grand Seau de Cire jaune de
la charge de Conseiller aud Conseil Requerant led Sr Mac mahon
de le Recevoir en lad charge pour jouir des prerogatives a luy
accordes parycelle dont le Cneu a ete lu aud Conseil Surquoy
delibere

Le Conseil Vu les Con^{ns} du Pro^r General du Roy Vu Les
Certificats de Catholicite et de Vie et Moeurs dud Sr Mac mahon
apres serment deluy pris au cas Requis Lavons reçu et le recoivent
en lad Charge de Conseiller pour levoir cijour des honneurs et
prerogatives aluy accordes Lesqls seront enRegistres en nos Reg-
istres donne en la Chambre du Conseil, Le 9 7bre 1730.

Pr paraphe de Brusle P. Dlle f.
(sans autre signature).

Endorsed on the reverse:

Pour Conclusions Conformes
fleauriau

Sept. 8, 1730. Nous soussignes Certifions a tous ce quil ap-
partiendra avoir une parfaite Connoissance que
Monsieur macmahon depuis quil est en cette colonie a vecu en
honnete homme quil est Remply de Probite et quil Nyya Rien a

dire contre sa Conduite qui est tres Reguliere en foy de quoy
avons signe le present certificat.

Ala Nlle Orleans, ce huit 7bre 1730.

Dubuisson.

Le Chv: de Louboey major
de la colonie

Simarers de Bellile.

De Mondreloire

ORIGINAL TEXT

Le 8 septembre
1730.

Je soussigne pretre Capucin Cure de la nouvelle orleans et Vicaire gñal de Monseigneur L'Eveque de Quebec, certifie que le Sieur Laurent macmahon fait profession de la Religion Cretienne Catolique Apostolique et Romaine et que depuis qu'il est dans notre paroisse de la nouvelle orleans, il en a rempli les devoirs tant par L'assistance au service divin, que par la participation aux sacremens de L'Eglise en foi de quoi je luy ai delivre le present certificat signe de ma main pour lui servir et valoir ou besoin sera. donne a la nouvelle orleans le huitieme Septembre mil sept cents trente.

f.Raphael. pre cap vic gñal.

30/192^a

ORIGINAL TEXT

July 14, 1731.

A Messieurs du Conseil Superieur de la Province de la Louisianne.

Vous remontre tres humblement Mac Mahon, Directeur pour la Compagnie des Indes, qu'il vous plaise ordonner par Larrest qui Intervindra que les protestations contre luy faites par le Sr Dausseville L'audience tenant, Les quelles sont injurieuses, seront rayees et biffees sur le Cahier ou elles se trouveront transcrites, et notamment, celles faites lors de la Reception du suppliant a la qualite de premier Conseiller que deffenses seront faites aud S. Dausseville d'En faire a L'avenir sous telles peines quil appartiendra et ferez justice.

A la Nouvelle Orleans le 14 Juillet 1731.

MACMAHON

Les protestations Enoncees seront raportees sur le bureau au premier Conseil pour ensuite estre fait droit

A la Nlle Orleans Le 14 Juillet 1731.

Brusle

31/89

THE EDICT OF DECEMBER 15, 1721, PROVIDING FOR THE APPOINTMENT OF DUAL TUTORS TO MINORS IN FRANCE AND IN HER COLONIES

Translated by the late WILLIAM KERNAN DART

From the text of the original Edict in the Cabildo at New Orleans printed in
Publications of the La. Hist. Society, 1908, Vol. 4, pp. 67-71.

INTRODUCTORY NOTE

The Edict (or Declaration) of 1721 printed herewith, is of essential importance to students of the law of Louisiana under the French regime, and it is not altogether without interest under our present system where questions of dual and ancillary tutorship still occasionally arise.

The Edict is declared in the preamble to be original legislation to supply a hiatus in the law of the period created by the situation in which the courts of the colonies and of the kingdom were placed, when the former grew in population and wealth. It was enacted to give jurisdiction to the Judges of each place to administer the inheritances and to control the person and education of minors by separate tutorship or curatorship at the places where the Estates and person of the minor were located at the time of the death of the ancestor.

Our records of the French colonial period show that the local tribunal (the Superior Council) constantly exercised the jurisdiction conferred by this statute.

The original is a fine illustration of the scholarly care with which such legislation was confected and the translation reflects the same qualities in the translator whose untimely death in 1918 was a great loss to the jurisprudence of Louisiana.

We should not let the occasion pass without calling attention to the Volume of Original Documents concerning the history of Louisiana noted at the head of this paper, and out of which this particular law has been translated. The publication of the text of this volume in 1908 by the La. Historical Society was a patriotic labor undertaken by Prof. Pierce Butler of Newcomb College and the late Mr. William Beer. In the Introductory Note (Publications La. Hist. Sy. 4, p. 4) Mr. Butler says,

"the Manuscript has been reproduced with all possible fidelity."

The work is preceded by a "Calendar of Documents" made by Mr. Beer and the entire task has been so well performed that the printed result dispenses with the necessity of consulting the originals.

The Quarterly suggests that this is an opportune time to round out that work by a full translation of each of the document included in that memorable volume of the Publications of the Society. This would indeed be a genuine contribution to our history and the necessity for doing it will be apparent by a comparison of the translation and the text of this particular Edict. We should all be able to read these texts, but many students would nevertheless be happy to find their labors on these old texts, fortified by the scholarship of a good translator.

HENRY P. DART.

THE EDICT OF 1721

Louis, by the Grace of God King of France, and of Navarre to all whom these presents shall come, Greetings:

Since the establishment of the French Colonies in America, many of our subjects have transported there part of their fortune and of their family, either having established a domicile there, or having been pleased to pass a considerable part of their time there to render profitable the plantations which they have there acquired. As it frequently happens that the Successions of heads of families who have established these sorts of residences is composed of property owned by them in our said Colonies, the tutorships, curatorships, emancipations and marriages of their minor children whom they leave either in France or in America only give rise to a considerable doubt as to the jurisdiction of the tribunals charged with the administration of the same, the judges in France feeling well authorized to take cognizance, even by collation, of the property situated in America wherever it is certain that the father of the minors had retained his ancient domicile within our realm; and the officers we have established in our said colonies insisting in like manner that it is for them to administer, even by collation, the property situated in France where the domicile of the father has been actually transferred to any portion of America subject to our domination; and while the said distinction seems in itself just and conforms to the general principles of the jurisprudence, experience has shown us that the same may be the subject of great inconvenience, either

because it gives rise to much litigation over the true domicile of the father of the minors, which is often enough difficult to determine in the different circumstances of each particular case, either because it is almost impossible for a tutor appointed in France to watch closely the administration of the property of the minors in America and reciprocally for one appointed in our colonies to administer with sufficient attention by correspondence the property situated in France, so that it often happens that one or the other portion of the patrimony of the minors is neglected or confided by the tutor to unscrupulous hands, who abuse his absence to dissipate property of which it is very difficult for the tutor to have a faithful accounting rendered.

We have thought that under the example of the Roman legislators, who had introduced the usage of giving different tutors to minors by ancillary proceedings as to property which they owned in countries far distant from one another, we also should divide the administration of property belonging to the same minors situated in France and in America, so that the different patrimonies shall be administered in the future by different tutors confiding, nevertheless, the care and education of the minors and the preference in regard to their marriage to the tutor of the place where the father of the said minors had his domicile, which is always regarded as that of the minors following the rules established by the ordinances which the kings our predecessors have made on the subject matter:

And finally as we have been informed that the Negroes employed in the cultivation of the land being regarded in our colonies as movable property following the established law, minors often abuse the rights which emancipation gives them to dispose of their Negroes, thereby ruining the plantations which belong to them and considerably prejudicing our colonies, whose principal value depends on the negro labor which gives value to the lands, we have judged it proper to interdict them from the disposition of the same until said minors reach the age of 25 years, and we are prompted moreover to make a new law on the said different matters which shall be at the same time an evidence of the protection which we give to those of our subjects whose weakness at their age renders it more necessary than for others, as well as a proof of the attention we shall always have for anything which may favor the commerce of the French colonies and render

them useful to all our kingdom, the welfare and prosperity of which constitutes the principal object of our care and our vows:

Moved by these causes and others, and under the counsel of our very dear and very beloved Uncle, the Duke of Orleans, son of France, Regent; of our very dear and very beloved Uncle, the Duke of Chartres, first prince of our blood; of our very dear and very beloved cousin, the Duke of Bourbon; of our very dear and very beloved cousin, the Count of Charollois; of our very dear and very beloved Cousin, the Prince of Conty, Prince of our blood; of our very dear and very beloved Uncle the Count of Toulouse, lawful Prince and other exalted and notable personages of our realm, of our full power and royal authority and by these presents given under our hand, be it known:

ARTICLE 1.

Whenever our minor subjects to whom it shall be necessary to provide tutors or curators shall be possessed of property situated in France and other property situated in the French Colonies, tutors shall be appointed to them in both countries, that is to say, in France by the judges having jurisdiction of the same, under the advice of the relatives and friends of said minors who may be in France, said tutors or curators to have the administration of the property situated in France only; and in the colonies by the judges established, also under the advice of the relatives and friends of the minors, which tutors and curators appointed in the colonies likewise shall have the administration only of the property there found belonging to said minors; and said tutors or curators in France and in the colonies shall be independent of each other, being responsible only for the gestion and administration of the property in the country in which they shall have been appointed and of which they shall only be required to render an accounting before the judges by whom they have been appointed.

2.

The education of the minors shall be deferred to the tutor appointed in the country of the father's domicile before his decease, whether all the minor children of the father reside in the same country or whether some reside in France and others in the Colonies, unless otherwise ordered by the court having jurisdiction of the tutorship upon the advice of the relatives and friends of said minors.

3.

The letters of emancipation which the said minors shall obtain shall be confirmed as well in the tribunals of France as in those of the Colonies in which the nomination of their tutor shall have been made, but the said letters of emancipation shall have no effect except in the country where they have been confirmed.

4.

The minors, although emancipated, shall have no power to dispose of negroes used to exploit their plantations until they (the minors) reach the age of 25 years complete, provided, however, that said negroes shall not cease to be reputed as movable property for all other purposes.

5.

The minors desiring to contract matrimony, either in France or in the Colonies, shall be prohibited from so doing without the advice and consent in writing of the tutor appointed in the country of the domicile of the father at the time of his death, provided, however, that said tutors may give their consent only upon the advice of the relatives who shall be assembled for that purpose before the judge by whom he has been appointed and reserving to the said judge before homologating their recommendations, to order that the other tutor named, either in France or in the Colonies, as the case may be, shall assemble the relatives whom said minors may have in said country, who shall be likewise heard within the proper delays before said judge who has named the other tutor and who shall give their advice on the proposed marriage, which, however, shall be recommended only upon mature deliberation, of which the judge shall make mention in the judgment pronounced by him.

So ordered to our beloved and faithful, the Superior Councils in our Colonies, these presents to have registered and the contents unconcealed guarded and observed according to their tenor and form, and that all impediments be, and they are hereby, discontinued, all edicts, declarations, ordinances, rules and customs to the contrary notwithstanding, for such is our pleasure.

Given at Paris the 15th of December in the year of grace 1721, and of our reign the seventh.

(Signed) Louis
" By the King,
The Duke of Orleans, Regent
" Fleuriau.

2

DOCUMENTS CONCERNING BIENVILLE'S LANDS IN LOUISIANA, 1719-1737

FOURTH INSTALLMENT

Surveys and reports upon the situation and condition of Bienville's lands in 1737 made by the official surveyor of the Colony under the direction of Governor Bienville and Ordonnateur Salmon.

EDITORIAL INTRODUCTION BY HENRY P. DART.

In the first installment of this series, we told the story of the acquisition of these lands by Bienville, buttressed by the original documents in text and translation (La. Hist. Qy., Vol. 10, pp. 5-17, January, 1927).

The second installment gave an account of the action of the Council of State in France in August, 1728, annulling all grants from Manchac to the sea, with an analysis of the original documents, and the text and translation of same (La. Hist. Qy., Vol. 10, pp. 161-175, April, 1927).

The third installment covered the details of the effort by Bienville in 1737 to set aside the Decree of August, 1728, accompanied by the text and translation of the documents (La. Hist. Qy., Vol. 10, pp. 364-380, July, 1927).

The fourth installment printed herewith covers the documents prepared in New Orleans by Bienville in 1737 to comply with the orders of the Minister and to show the condition of the lands as to improvements, occupation and cultivation before and after the action of the Council in 1728.

This last installment is a series of reports by the official surveyor of the Colony (in legal phraseology, a proces-verbal), setting forth the personal or physical examination made by that officer of each parcel of both tracts, indicating the measurements of the same and the physical condition, i. e., whether cleared, uncleared, cultivated, occupied or otherwise, and the nature of the right or title of each possessor.

These papers establish conclusively the purpose of Bienville to govern his vast domain under the feudal system and in its most hated form. He retained the ownership of the land as "Seigneur et proprietaire" (lord and proprietor) and conveyed

possession to his tenants at a yearly rental in money, in capons and in free labor. The clause on this subject in each deed is substantially the same, the only variance being in the sum of the rental, furnishings and labor, thus in one act we find it stated:

At the quit rent (or rental) of eight livres, three sols, four deniers for each arpent to my said Sieur de Bienville Lord and proprietor as also of a capon per arpent and of ten days of labor.

"au redevance de huit livres trois sols quatre denier de rent par chacun arpent envers mon dit Sieur de Bienville Seigneur et propriétaire, comme aussy d'un chapon par chacun arpent et de dix journées de corvée.")

In another act

At the rental of six livres rent per arpent and two capons each year and of twenty-four days of labor annually.

"Au redevance de six livres de rentes par arpents, de deux chapons par chacun an, et de vingt quatre journées de travail par forme de corvée anmielle.")

All students of French history know that the corvée, forced labor for the lord proprietor was one of the greivous burdens that enslaved the tenant farmers. These clauses meant in the case of Bienville that each farmer who held under him, not only paid money and produce, but delivered himself up to the Lord for a certain number of days forced labor per annum.

This documentary evidence is quite voluminous and each instrument follows a set form, so that at first reading they seem to be exactly similar. This prompted us to print only one document as a sample or illustration of the whole, but after further reflection, we concluded there was sufficiently varied data in each document to justify the publication of the whole. Besides the interested student of this particular transaction and the student of the general history of the era, would undoubtedly prefer to have the opportunity to study the Mss. and exercise his own judgment as to the historical value thereof.

Our space would not permit the publication of all these writings in one installment and another installment will appear in our next issue. For convenience of study, we have numbered the documents in the margin and have printed the text and translation of each document together.

**Copies of Certificates of Survey of the Bienville Land
in 1737.**

Part I

Translated by HELOISE H. CRUZAT.

Document No. 1
Translation.
1737—Sept. 20.
Proces-verbal of
survey and titles of
Sieur deChavanne
derived from de
Noyan, agent of
Bienville, May 1, 1728,
6 arpents front on the
River by 40 arpents
in depth.

In the year one thousand seven hundred and thirty-seven, Friday afternoon, September twentieth, by virtue of the order of Monsieur de Bienville, Governor of the Province of Louisiana, and of Monsieur Salmon, Commissaire Ordonnateur of the said Province, we, F. Saucier, surveyor, went to a tract owned by Sieur de Chavanne, consisting of six arpents fronting on the river St. Louis,¹ by forty in depth, a distance of two leagues above New Orleans, on which land we found seventy-two superficial arpents sown with foodstuffs and indigo,² protected with a levee along the river front for which land the said Sieur de Chavanne produced a contract before Rossard, Notary, on May first, one thousand seven hundred and twenty-eight, by which it appears that the elder Sieur de Noyan under procuration of my Sieur de Bienville, Lord proprietor (Seigneur et propriétaire) of the said land, ceded in the name of Sieur de Bienville, the said land to the said Sieur de Chavanne at a rental of six livres per annum for each arpent to the said Sieur de Bienville as also of two capons and twelve days of labor in each year,³ of which titles and land, we, the undersigned surveyor, commissioned for this purpose, have drawn up the present proces verbal in the presence of the said Sieur Chavanne and of the Sieur Fabry de Labruyere, witnesses undersigned. Done at the plantation of the said Sieur Chavanne the day and year aforesaid.

Signed: F. Saucier

De Chavanne

Fabry de Labruyere

Excerpt collated ("pour extrait collationnée") with the original ("sur la minute") which remains in possession of the Notary Royal undersigned.

Signed: Henry

¹It is a curious feature of these instruments that the Mississippi River is officially designated as the River St. Louis. It would indicate that in 1737 there was no general use of the familiar name by which the river is now known. In any event this is rather conclusive evidence that it was not recognized as the official name.

²"La quantité de soixante et douze arpents en superficie ensemencé de vivre et indigo."

³"Au redevance de six livres de rante par an par chacun arpent envers de dit Sieur de Bienville, comme aussy de deux chapons et de douze journées de travaille par forme de corvée par chacun an."

1737—Dec. 17.
Authentication by
Salmon, Ordonnateur.

We, Edme Gatien Salmon, Commissioner of the Marine, Ordonnateur⁴ and First Judge in the Superior Council, certify to all whom it may concern that the above signature of M^e.⁵ Henry, Notary, is authentic ("véritable") and that faith may be had therein. In witness whereof we have signed these presents and had it countersigned by our Secretary.

Given in our office at New Orleans this seventeenth of December, one thousand seven hundred and thirty-seven.

Signed: Salmon

Document 1
Text.
1737—Sept. 20.
Cons. p. 36.

L'an Mil Sept cent trente sept vendredy après midy vingtieme Septembre en Vertu de l'ordonnance de Monsieur de Bienville Gouverneur de la Province de la Louisianne, et Monsieur de Salmon Commissaire Ordonnateur en la dite Province, nous F. Saucier arpenteur, sommes transporté sur un terrain appartenant au Sieur Chavanne consistant en six arpents de face sur la fleuve St. Louis sur quarante de profondeur, distance de deux lieues audessus de la Nouvelle Orleans sur lequel terrain nous aurions trouvé la quantité de soixante et douze arpens en superficieensemencé de vivre et indigo garny d'une levée le long du fleuve pour lequel terrain le dit Sieur Chavannes auroit représenté un contrat pardevant Rossard, Notaire, le premier May mil sept cent vingt huit par lequel il apert que le Sieur de Noyant l'ainé fondé de procuration de mondit Sieur de Bienville, Seigneur et propriétaire du dit terrain a cédé au nom du dit Sieur de Bienville le dit terrain au dit Sieur de Chavannes au redevance de six livres de rante par an par chacun arpent envers le dit Sieur de Bienville, comme aussy de deux chapons et de douze journées de travail par forme de corvée par chacun an, desquels titres et terrain nous arpenteur soussigné à ce commis avons dressé le present procès verbal en presence du dit Sieur Chavannes et du Sieur Fabry de Labruyere temoins soussignés fait à l'habitation dudit Sieur Chavannes les jours et an cy dessus.

F. Saucier
De Chavannes.
Fabry de Labruyere

⁴The "Ordonnateur" in Louisiana exercised functions akin to those exercised by the Intendant in Canada, but it is a confusion of terms to consider the words interchangeable in Louisiana.

⁵"Me" i. e., Messaire or Maître; thus Mr. or Master Henry.

Pour extrait collationnée sur la minutte resté es mains du
Notaire Royal soussigné.

Henry

1737—Dec. 17. Nous Edme Gatien Salmon Commissaire de la
Marine Ordonnateur et Premier Juge au Conseil Supérieur de
la Louisianne, certiffions à tous qu'il appartiendra que la sig-
nature cy dessus de M^e Henry Nottaire est véritable et que
foy doit y estre adjoutée, en témoin de quoy nous avons signé
ces présentes et fait contresigner par notre Secretaire.

Donné en nostre hôtel a la Nouvelle Orleans ce dis sept
Decembre mil sept cent trente sept. Salmon.

Document No. 2
Translation.
1737—Sept. 20.
Proces-verbal of
surveys and titles of
Sieur de Chavanne
derived from Sieur
Rodolfe Guilain who
acquired from Jean
Febvre, who derived
from Bienville.
(No dates given).
6 arpents by 40.

In the year one thousand seven hundred and
thirty-seven, Friday afternoon, September
twentieth, by virtue of the order of Mssrs.
de Bienville, Governor of this Province, and
of de Salmon, Commissaire Ordonnateur in
the said Province, we, F. Saucier, surveyor,
went to the tract owned by Sieur Chavanne
consisting of six arpents front by forty in
depth containing seventy-two superficial ar-
pents cleared, protected by a levee along
the said river, sown with food-stuffs ("en semencé de vivre")
and indigo, on which said land we found a brick house, raised
to its first story, a large shed, five negro cabins, for which land
the said Sieur Chavanne presented to us a contract passed be-
fore Rossard, Notary, on November fourteenth, one thousand
seven hundred and twenty-seven, by which it appears that
Sieur Rodolfe Guilain has ceded and transferred the ownership
of the said land to the said Sieur Chavanne as he, Rodolfe Guilain,
acquired it from one Jean Febvre to whom it was primordially
ceded by my said Sieur de Bienville by contract of the (blank
in text) at a rental of six livres per arpent each year and also
of two capons and twelve days of labor ("par forme de corvée")
the said quit-rents duly specified in the said contract passed
between the said Sieur Chavanne and the said Sieur Rodolfe
Guilain. Of which titles, land and buildings thereon, we, sur-
veyor undersigned, commissioned for this purpose, have signed
the present proces-verbal in the presence of the said Sieur de

Chavanne and of said Sieur Fabry de la Bruyere, witnesses undersigned.

Done at the plantation of said Sieur de Chavanne the day and year aforesaid.

Signed: Saucier
de Chavanne
Fabry de la Bruyere

Excerpt collated with the original which remains in possession of the notary undersigned.

Signed: Henry

1737—Dec. 10.
Authentication by
Edme Gatien Salmon,
Ordonnateur.

We, Edme Gatien Salmon, Councillor of the King, Commissioner of the Marine, Ordonnateur and First Judge in the Superior Council of the Province of Louisiana, certify to all whom it may concern that the above signature of M^e Henry is authentic, and that faith may be had therein. In witness whereof, we have signed these presents and had it countersigned by our secretary.

Given in our office at New Orleans, December tenth one thousand seven hundred and thirty-seven.

Signed: Salmon

Document 2
Text.
1737—Sept. 20.
Cons. p. 39.

L'an mil sept cent trente sept vendredy après midy vingtieme Septembre, en vertu de l'ordonnance de Messieurs de Bienville, Gouverneur de cette Province et de Salmon Commissaire Ordonnateur en la ditte Province, nous F. Saucier arpenteur, sommes transporté sur un terrain appartenant au Sieur Chavanne consistant en six arpents de face sur quarante de profondeur ayant la quantité de soixante et douze arpens de deffriché en superficie garantie d'une levée le long du dit fleuve en semencé de vivre et indigo sur lequel dit terrain nous aurions trouvé une maison en brique élevé jusqu'a son premier étage, un grand hangard, cinq cases a nègres, pour lequel terrain le dit Sieur Chavannes nous auroit représenté un contrat passé par devant Rossard notaire du quatorze Novembre mil sept cent vingt sept par lequel il apert que le Sieur Rodolfe Guilain a cédé et transporte la propriété du dit terrain au dit Sieur Chavanne ainsy que luy Rodolfe Guilain l'avoit acquis du nommé Jean Febvre à qui il avoit été cédé primordialement par mondit Sieur de Bienville par contrat du ————— au re-

devance de six livres de rentes par chaque année par chaque ar-
pend comme aussy de deux chapons et de douze journées de tra-
vail par forme de corvée, les dittes redevances duement spécifiées
dans le dit contrat passé entre le dit Sieur Chavanne et le dit
Sieur Rodolfe Guilain, desquels titres, terrain et bastiments, nous
arpenteur soussigné à ce commis avons signé le présent proces
verbal en présence du dit Sieur de Chavanne et du dit Sieur Fabry
de la Bruyere témoin soussigné, fait à l'habitation du dit Sieur de
Chavanne les jour et an que dessus.

Saucier

De Chavannes

Fabry de la Bruyere

Pour extrait collationné sur la minutte restée es mains de
nous Notaire soussigné.

Henry

Nous Edme Gatien Salmon Conseiller du Roy, Commissaire
de la Marine, Ordonnateur et Premier Juge au Conseil Supérieur
de la Louisianne, certiffions à tous qu'il appartiendra que la sig-
nature cy dessus de M^e Henry Nottaire est veritable et que foy
doit y estre adjoutée, en témoin de quoy nous avons signé les pré-
sentes et fait contre Signer par notre Secretaire.

1737—Dec. 10. Donné en nostre hôtel à la Nouvelle Orleans le dix
Decembre mil sept cent trente sept.

Salmon.

Document No. 3
Translation.
1737—Sept. 20.
Proces-verbal of
survey and titles of
Sieur de Chavanne
derived from Sieur
Bellair Feb. 20, 1728.
Bellair from Simon
Kowe who obtained
from Bienville
January 1, 1728.
6 arpents by 40.

In the year one thousand seven hundred and
thirty-seven, on Friday, September twentieth,
by virtue of the order of Mssrs de Bienville,
Governor of the Province of Louisiana and
Salmon, Commissaire-Ordonnateur in the said
Province, we, Francois Saucier, surveyor un-
dersigned, went to a tract of six arpents
fronting on the St. Louis River by forty in
depth, protected by a levee along the said
river having fifty-four superficial arpents
cleared without any building or cultivation belonging to the Sieur
Chavanne, situated above and adjoining that of Sieur de Noyan
the elder and adjoining below another tract also owned by the
said Sieur de Chavanne, who presented to us his contract of

acquisition from Sieur Bellair of February twentieth, one thousand seven hundred and twenty-eight, and the primordial contract by which Sieur Bellair had acquired it from one Simon Koue to whom my said Sieur de Bienville had ceded and transferred it by act passed before Rossard Notary January first one thousand seven hundred and twenty-three, at the quit-rent rental ("redevance") of eight livres, three sols, four deniers, for each arpent to my said Sieur de Bienville, Lord and proprietor, as also of a capon per arpent and of ten days of labor ("de corvee") of which titles and land we, undersigned surveyor, appointed for the purpose, have drawn the present proces verbal in the presence of Sieur Fabry de la Bruyere, witness undersigned, on the above day and year.

Signed: Saucier

Fabry de Labruyere.

Excerpt collated with the original which remains in our possession.

Signed: Henry Notary.

1737—Dec. 17.
Authentication by
Salmon.

We, Edme Gatien Salmon, Councillor of the King, and First Judge of the Superior Council of the Province of Louisiana, certify to all whom it may concern that the above signature of Me Henry, Notary, is authentic and that faith may be had therein. In witness whereof we have signed these presents and had them countersigned by our Secretary.

Given in our office, at New Orleans, December seventeenth, one thousand seven hundred and thirty-seven.

Signed: Salmon.

Document No. 3
Text.

1737—Sept. 20.

L'an mil sept cent trente, sept, vendredy vingtieme Septembre, en vertu de l'ordonnance de Messieurs de Bienville, Gouverneur de la Province de la Louisianne et Salmon Commissaire Ordonnateur en la ditte Province, nous Francois Saucier, arpenteur soussigné nous sommes transporté sur un terrain de six arpents de face sur le fleuve Saint Louis sur quarante de profondeur garanty d'une levée le long du dit fleuve ayant la quantité de cinquante quatre arpents defriché en superficie sans aucun bâtiment ny semence appartenant au Sieur Chavanne Scitué au dessus et attenant celle du Sieur de Noyan l'aine et au dessous joignant une autre terre appar-

tenant aussy audit Sieur Chavanne, lequel nous auroit représenté le contrat d'acquisition qu'il en a fait du Sieur Bellair du Vingt Fevrier mil sept cent vingt huit, et le contrat primordial lequel le dit Sieur Bellair l'avoit acquise du Nommé Simon Koue à qui mondit Sieur de Bienville l'avoit cédé et transporté par acte passé devant Rossard Notaire le premier Janvier mil sept cent vingt trois, au redevance de huit livres, trois sols quatre deniers de rente par chacun arpent envers mondit Sieur de Bienville seigneur et propriétaire, comme aussy d'un chapon par chacun arpent et de dix journées de corvée desquels titres et terrain, nous arpenteur soussigné à ce commis avons dressé le présent procès verbal en présence du Sieur Fabry de la Bruyere témoin soussigné le jour et an que dessus.

Saucier

Fabry de Labruyere

Pour extrait collationne es minutes restées en nos mains.

Henry Notre

Nous Edme Gatien Salmon Conseiller du Roy et Premier Juge au Conseil Supérieur de la Province de la Louisianne, certifions à tous qu'ly appartiendra que la signature dessus de M^e Henry Nottaire est véritable et que foy doit y estre adjoutée, en témoin de quoy nous avons signé ces présentes et fait contresigner par notre Secrétaire.

Donné en notre hôtel à la Nouvelle Orleans le dix sept Decembre mil sept cent trente sept.

Salmon.

Document No. 4
Translation.
1737—Sept. 25.
Proces-verbal of
survey and titles of
Renaut d'Hauterive
derived from Noyan,
agent for Bienville
May 1, 1728.
10 arpents by 40.

In the year one thousand seven hundred and thirty seven, September twenty-fifth, by virtue of the order of Messrs de Bienville, Governor of the Province of Louisiana and Salmon, Commissioner of the said Province, we, Francois Saucier, surveyor undersigned, went to a tract of ten arpents front on the river St. Louis by forty in depth, the said tract protected by a levee along the river, with a clearing of ninety arpents, on which land we found a lodging consisting of a room and a kitchen, a building under which are four utensils for indigo ("indigotteries"), another to dry the indigo, another serving as a storehouse, a poul-

try house and twenty negro cabins. The said land and buildings belonging to Mr. Renaut d'Hauterive, Knight of the Military Order of Saint Louis, Captain of a detached company of the Marine; the said tract situated above New Orleans bounded on one side by land also owned by Sieur d'Hauterive and on the other by a tract belonging to Sieur Broutin, for which land Sieur d'Hauterive presented to us a contract passed in New Orleans before Rosard, Notary Royal in Louisiana on May first one thousand seven hundred and twenty-eight by which it appears that Monsieur de Noyan the elder, under procuration of Monsieur de Bienville, Lord and proprietor of the said land ceded and transferred in the name of the Sieur de Bienville to the said Sieur Renaut d'Hauterive, the said land of ten arpents front, at the rental ("redevance") of six livres for each arpent, as also of two capons and of two days of labor ("de corvee") also by front arpent, of which titles, land and buildings, we, surveyor undersigned, appointed for the purpose, have drawn the present procès verbal in the presence of the said Sieur d'Hauterive and of the said Sieur Fabry de la Bruyere, witness undersigned in the above day and year.

Signed: d'Hauterive
Saucier

Fabry de la Bruyere

Excerpt collated with the original which remains in possession of the Notary undersigned

Henry.

1737—Dec. 17.
Authentication by
Salmon.

We, Edme Gatién Salmon Councillor of the King, Commissioner of the Marine, Ordonnateur and First Judge in the Superior Council of the Province of Louisiana, certify to all whom it may concern that the signature of M^e Henry, Notary is authentic and that faith may be had in it. In witness whereof we have signed these presents and had them countersigned by our Secretary.

Given in our office, at New Orleans, on this seventeenth of December, one thousand seven hundred and thirty-seven.

Signed: Salmon.

Document No. 4
Text.

1737—Sept. 28.
Cons. p. 46.

L'an mil sept cent trente sept le vingt cinquieme
Septembre en vertu de l'ordonnance de Mes-
sieurs de Bienville Gouverneur de la Province
de la Louisianne et Salmon Commissaire de la

ditte Province Nous Francois Saucier arpenteur soussigné sommes transporté sur un terrain de dix arpens de face sur le fleuve St. Louis sur quarante de profondeur, le dit terrain garanti d'une levée le long du fleuve ayant la quantité de quatre vingt dix arpents de deffriché sur lequel terrain nous aurions trouvé un corps de logis consistant en une salle et une cuisine, un bâtiment sous lequel sont quatre indigotteries, un autre pour seicher l'indigo, un autre servant de magasin, un poulailler et vingt cases a à negre. les dits terrain et bastiments eppartenants à Monsieur Renaut d'Hautrive, Chevalier de l'Ordre Militaire de Saint Louis, Capitaine d'une compagnie détachée de la Marine le dit terrain scitue au dessus de la Nouvelle Orléans, attenant d'un costé a un terrain appartenant aussy au dit Sieur d'Hautrive et de l'autre au terrain appartenant au Sieur Broutin pour lequel terrain le dit Sieur d'Hautrive nous auroit représenté un contrat passé à la Nouvelle Orleans par devant Rossard Nottaire Royal à la Louisianne le premier May mil sept cent vingt huit par lequel il appert que Monsieur de Noyant l'ainé fondé de procuration de Monsieur de Bienville, Seigneur et propriétaire du dit terrain, a cédé et transporté au nom du Sieur de Bienville audit Sieur Renaut d'Hautrive, le dit terrain de dix arpents de face, au redevance de six livres de rentes par chacun arpent comme aussy de deux chapons et de deux corvees de travail aussy par arpent de face, des quels titres terrain et bastiments, nous arpenteur Soussigné à ce commis avons dressé le present procès verbal en présence du dit Sieur d'Hautrive et du dit Sieur Fabry de la Bruyere, témoin soussigné les jour et an que dessus.

D'Hautrive

Saucier

Fabry de la Bruyere.

Pour extrait collationné en la minutte restée es mains de Nous Not^{re} Soussigne.

Henry.

Nous Edme Gatien Salmon Conseiller du Roy, Commissaire de la Marine, Ordonnateur et Premier Juge au Conseil Supérieur de la Province de la Louisianne, certiffions à tous ceux qu'il appartiendra que la signature de M^e Henry Notaire est véritable et que foy doit y estre adjoutée, en témoin de quoy nous avons signé les présentes et fait contresigner par notre Secretaire.

Donné en nostre hôtel a la Nouvelle Orleans ce dix septieme Decembre mil sept cent Trente sept.

Salmon.

Document No. 5
Translation.
1737—Sept. 25.
Proces-verbal of
survey and titles of
Renault d'Hauterive
representing his wife,
whose first husband,
Duval, acquired from
Beaulieu Nov. 1, 1728,
who traced title by
Mesne Conveyances to
Bienville Jan. 20,
1725.
12 arpents by 40.

In the year one thousand seven hundred and thirty-seven, on the twenty-fifth day of September, by virtue of the order of Mssrs de Bienville, Governor General of the Province of Louisiana, and of Salmon, Commissaire Ordonnateur in the said Province, we, Francois Saucier, surveyor, went to the tract above New Orleans, adjoining that of the R. R. Jesuit Fathers measuring twelve arpents front on the river St. Louis by forty arpents in depth, owned by Monsieur Renoult d'Hauterive (Renault d'Hauterive) Knight of the

Military Order of Saint Louis, Captain of a detached company of the Marine, in the name and as husband of Dame widow Duval, on which land we found food stuff and indigo, the said land protected by a levee, having eighty arpents cleared for which land the said Sieur d'Hauterive presented to us a contract passed before Rossard Notary Royal in Louisiana, on January twentieth one thousand seven hundred and twenty-five, by which it appears that Monsieur de Noyan, senior, under procuration of Monsieur de Beinville, Lord and proprietor of the said land for and in the name of Sieur de Bienville ceded and transferred to Sieur Brou-tin the said tract of twelve arpents front at the rental of six livres rent, per arpent and two capons for each year and of twenty-four days of labor, ("par forme de corvee anmialle") annually, another act of October sixth, one thousand seven hundred and twenty-eight by which Sieur Brou-tin cedes the said land to Sieur Baulieu (Beaulieu) for the sum of three hundred livres; another act under private signature by which it appears that the said Sieur Baulieu exchanged the said lot with Sieur Duval, the said act dated the first of November one thousand seven hundred and twenty-eight, of which titles and land we, surveyor, for this purpose appointed, have drawn the present procès verbal in the presence of the said Sr. Renoult d'Hauterive and of Sieur Fabry de la Bruyere, witness undersigned. Done at the plantation of the said Sieur d'Hautrive, on the above day and year.

F. Saucier

D'Hauterive

Fabry de la Bruyere

Collated copy or excerpt from the minutes which remain in possession of the Notary undersigned.

Henry.

1737—Dec. 17.
Authentication by
Salmon.

We, Edme Gatien Salmon Councillor of the King, Commissioner of the Marine, "Ordonnateur" and First Judge in the Superior Council of the Province of Louisiana, certify to all whom it may concern that the signature of M^e Henry Notary is authentic and that faith may be had therein. In witness whereof we have signed these presents and had them countersigned by our Secretary.

Given in our office at New Orleans this seventeenth day of December, one thousand seven hundred and thirty-seven.

Signed: Salmon.

Document No. 5
Text.
1737—Sept. 25.
Cons. p. 50.

L'an mil sept cent trente sept le vingt cinquième Septembre, en vertu de l'ordonnance de Messieurs de Bienville Gouverneur Général de la Province de la Louisianne et Salmon Commissaire Ordonnateur en la dite Province, nous François Saucier arpenteur, sommes transporté sur un terrain au dessus de la Nouvelle Orleans attenant celuy des R. R. P. Jesuites ayant douze arpens de face sur le fleuve Saint Louis sur la profondeur de quarante arpens appartenants à Monsieur Renoult ⁽⁶⁾ d'Hautrive chevalier de l'Ordre Militaire de Saint Louis, Capitaine d'une Compagnie détachée de la Marine, au nom et commé époux de la Dame Veuve Duval sur lequel terrain nous aurions trouvé des semences de vivres et indigo, le dit terrain garanty d'une levée ayant la quantité de quatre vingt arpents de défriché en superficie pour lequel terrain le dit Sieur d'Hautrive nous auroit représenté un contrat passé devant Rossard Nottaire Royal a la Louisianne le vingt Janvier mil sept cent vingt cinq par lequel il appert que Monsieur de Noyan l'ainé fondé de procuration de Monsieur de Bienville, seigneur et propriétaire de la ditte terre a cédé et transporté au Sieur Broutin au nom du dit Sieur de Bienville le dit terrain de douze arpens de face au redevance de six livres de rentes par arpens, de deux chapons par chacun an et de vingt quatre journées de travail par forme de corvée annuelle, un autre acte du six Octobre mil sept cent vingt huit par lequel le Sieur Broutin cede le dit terrain au Sieur Baulieu pour la somme de trois cens livres, un autre acte sous seing privé par lequel il appert que le dit Sieur Baulieu a echangé le dit terrain avec le Sieur Duval, le dit acte datté du premier Novembre mil sept cent vingt huit, desquels titres et terrain nous arpenteur

⁶Textual, should be "Renault d'Hauterive."

sous signé a ce commis avons dressé le présent procès verbal en présence du dit Sieur Renoult D'Hautrive et du Sieur Fabry de la Bruyere témoin soussigné. Fait à l'habitation du dit Sieur d'Hautrive le jour et an que dessus.

F. Saucier

D'Hautrive

Fabry de la Bruyere

Pour copie collationnée ou extrait aux minuttes restées es mains de Nous dit Nottaire soussigné.

Henry.

Nous Edme Gatien Salmon Conseiller du Roy, Commissaire de la Marine, Ordonnateur et premier Juge au Conseil Supérieur de la Province de la Louisianne, certiffions a tous qu'il appartiendra que la signature de M^e Henry Notaire est véritable et que foy doit y estre adjoutée en témoin de quoy nous avons signé ces présentes et fait contrésigner par notre secretaire.

Donné en nostre hôtel à la Nouvelle Orleans ce dix septieme Decembre mil sept cent trente sept.

Salmon.

Document No. 6
Translation.
1737—Sept. 25.
Proces-verbal of
survey and titles of
Charles Petit, Sieur
de Livilliers derived
from Louis Roys and
his wife June 24, 1737.
Sieur Roys from
Jacques Ouvre, a
German, who derived
from Bienville Jan. 1,
1723.
6 arpents by 40.

In the year one thousand seven hundred and thirty-seven, on the twenty-fifth of September, by virtue of the order of Messrs de Bienville, Governor of the Province of Louisiana, and Salmon Commissioner of the said Province, we, surveyor undersigned went upon the tract of six arpents front on the River Saint Louis by forty in depth protected by a levee along the river having sixty superficial arpents cleared, on which tract we found a house consisting of a room on the ground and a kitchen of posts in the ground, the said land cultivated in rice and corn, owned by Mr. Charles Petit Ecuyer (squire) Sieur de Levillier (Livilliers) Captain of a detached company of the Marine, for which land the said Sieur Pétit de Livillier presented to us a contract of acquisition from one Louis Roys and Marie Jeanne, his wife, the said contract passed at New Orleans before Henry, Notary Royal in New Orleans, on the twenty-fourth of June of the present year, one thousand seven hundred and thirty-seven; another contract passed before Rossard, Notary Royal in

Louisiana, April tenth, one thousand seven hundred and twenty-seven by which it appears that the said Louis Roisset and Marguerite Dumay his wife bought the said land from one Jacques Ouvre a German, and Barbe Chauvinne, his wife, a German, at the same rentals and conditions towards my said Sieur de Bienville carried in the act of cession and transfer that my said Sieur de Bienville, Lord and proprietor of the said land, had promordially made with the said Jacques Ouvre and Barbe Chauvinne before Rossard, Notary Royal in Louisiana on date of January first, one thousand seven hundred and twenty-three, the said act providing that the said Jacques Ouvre shall pay to my said Sieur de Bienville the sum of eight livres three sols, four deniers for each arpent as annual rent, as also six capons and ten days of labor each year. Of which titles, land and building we, surveyor undersigned, for this purpose appointed, have drawn the present procès verbal in the presence of my said Sieur Petit de Levillier and of Sieur Fabry de la Bruyere, witness undersigned. Done at the plantation of the said Sieur Petit de Levillier the above day and year.

Signed: Saucier

Fabry de la Bruyere

Collated copy extracted from the minutes in charge of the Notary undersigned.

Signed: Henry Notry.

1737—Dec. 17.
Authentication by
Salmon.

We, Edme Gatien Salmon, Councillor of the King, Commissioner of the Marine, "Ordonna-teur" and First Judge in the Superior Council of the Province of Louisiana, certify to all whom it may concern that the signature of M^e Henry Notary is authentic and that faith may be had therein. In testimony whereof we have signed these presents and had them countersigned by our Secretary.

Given in our office at New Orleans, this seventeenth of December one thousand seven hundred and thirty-seven.

Signed: Salmon.

Document No. 6
Text.
1737—Sept. 25.
Cons. p. 54.

L'an mil sept cent trente sept et le vingt cinquieme Septembre, en vertu de l'ordonnance de Messieurs de Bienville, Gouverneur de la Province de la Louisianne, et Salmon Commissaire de la ditte Province, nous arpenteur soussigné sommes transporté sur un terrain de six arpens de face sur le fleuve Saint-Louis sur

quarante de profondeur garny d'une levée le long du fleuve ayant la quantité de soixante arpens de defriché en superficie, sur lequel terrain nous aurions trouvé une maison consistant en une salle sur solle et une cuisine de potteau en terre, le dit terrain ensemencé de ris et mays appartenant à Monsieur Charles Petit Ecuyer Sieur de Levillier, (¹) Capitaine d'une Compagnie détachée de la Marine, pour lequel terrain le dit Sieur Petit de Livillier nous auroit représenté le contrat d'acquisition qu'il en a fait du nommé Louis Roys et Marie Jeanne, son épouse, le dit contrat passé à la Nouvelle Orleans par devant Henry Nottaire Royal à la Nouvelle Orleans le vingt quatre Juin de la présente année mil sept cent trente sept, un autre contrat passé par devant Rossart Nottaire Royal à la Louisianne le dixieme Avril mil sept cent vingt sept par lequel il appert que le dit Louis Roisset et Margueritte Dumay son épouse achanté le dit terrain du nommé Jacques Ouvre et Barbe Chauvinne femme Allemand, aux mêmes redevance et condition envers mon dit Sieur de Bienville porté par l'acte de cession et transport que mondit Sieur de Bienville, Seigneur et propriétaire du dit terrain en avoit fait primordialement aux dits Jacques Ouvre et Barbe Chauvinne par devant Rossart, Nottaire Royal à la Louisianne en date, du premier Janvier mil sept cent vingt trois, le dit acte portant que le dit Jacques Ouvre payera à mondit Sieur de Bienville la somme de huit livres, trois sols, quatre deniers par chacun arpent de rente annuelle comme aussy six chapons et dix journées de travail par forme de corvée par chacun an, desquels titres, terrain et bastiment, nous Arpenteur soussigné à ce commis avons dressé le present procès verbal en présence de mondit Sieur Petit de Levillier et du Sieur Fabry de la Bruyere témoin soussigné, fait à l'habitation du dit Sieur Petit de Levillier le jour et an que dessus.

Saucier

Fabry de la Bruyere

Pour copie collationnee en extrait sur les minuttes restées es mains de nous Notaire soussigné.

Henry Notre.

Cons. p. 57. Nous Edme Gatien Salmon Conseiller du Roy, Commissaire de la Marine Ordonnateur et premier Juge au Conseil Supérieur de la Province de la Louisianne, certiffions à tous qu'il appartiendra que la signature de M^e Henry Notaire est véritable

¹Meant for Livilliers.

et que foy doit y estre adjoutée en témoin de quoy nous avons signé ces présentes et fait contresigner par notre secretaire.

Donné en nostre hôtel à la Nouvelle Orleans ce dix septieme Decembre mil sept cent trente sept.

Salmon.

Document No. 7
Translation.
1737—Sept. 26.
Proces-verbal of
survey and title of
Amyault Dausseville,
derived from Pierre
Voisin, who traces
back by mesne
conveyances to
Crestmane, a German,
who received it from
Bienville Jan. 7, 1723.
6 arpents by 40.

In the year one thousand seven hundred and thirty-seven, the 26th September, by virtue of the order of Messrs. de Bienville, Governor of the Province of Louisiana, and Salmon, Commissaire Ordonnateur in the said Province, we, Francois Saucier, surveyor, went to a tract consisting of six arpents fronting on the River Saint Louis by forty in depth, situated at a distance of one league above New Orleans, the said land protected by a levee along the river, having a surface of seventy-two superficial arpents under cultivation on which land we found a barn built on the ground and fifteen negro quarters, the said land cultivated in food stuffs owned by Monsieur Amyault Dausseville, for which land the said Sieur Dausseville produced a contract passed at New Orleans, before Henry, Notary Royal in Louisiana, on the fifth of August, one thousand seven hundred and thirty-five, by which it appears that the said Sieur Dausseville bought the said land from Sieur Pierre Voisin, and that it had previously been sold by Sieur Buchet, following the contract of sale passed before the said Henry, Notary, on the twenty-seventh of November, one thousand seven hundred and thirty-one, and that the said Buchet had acquired the said ground from one Andre Crestmane, a German, by another contract also passed before the said Henry, Notary, on the twenty-second of June, one thousand seven hundred and thirty, the said Andre Crestmane being then possessor of the said land by virtue of the cession made to him directly by my said Sieur de Bienville, Lord and proprietor of this land by contract passed before Rossard, Notary Royal in Louisiana on the first of January, one thousand seven hundred and twenty-three, at a rental of eight livres, three sols, four deniers of rent for each arpent, beginning on the first of January, one thousand seven hundred and twenty-five, as also of six capons and ten days of labor for each year. Of which titles, land and building, we,

surveyor undersigned, for this purpose, have drawn the present procès verbal in the presence of the said Sieur Amyault Dausseville and of Sieur Fabry de la Bruyere, undersigned witness.

Done at the plantation of the said Sieur Dausseville on the above day and year.

Signed: F. Saucier
Dausseville
Fabry de la Bruyere.

1737—Dec. 17.

Authentication by
Salmon.

We, Edme Gatien Salmon, Councillor of the King, Commissioner of the Marine, Ordonnateur and First Judge of the Superior Council in the Province of Louisiana, certify to all whom it may concern that the signature of M^e Henry, Notary, is authentic, and that faith may be had in it. In witness whereof we have signed these presents and had them countersigned by our Secretary.

Given in our office at New Orleans, this December 17th, 1737.

Signed: Salmon.
Collated copy.
Signed: Henry.

Document No. 7

Text.

1737—Sept. 26.

Cons. p. 59.

L'an mil sept trente sept le vingt six Septembre, en vertu de l'ordonnance de Messieurs de Bienville, Gouverneur de la Province de la Louisianne, et Salmon Commissaire Ordonnateur en la dite Province, Nous François Saucier arpenteur, nous sommes transporté sur un terrain consistant en six arpents de face sur le fleuve Saint-Louis sur quarante de profondeur Scitué au dessus de la Nouvelle Orléans distance d'une lieue le dit terrain garanty d'une levée le long du fleuve ayant la quantité de soixante et douze arpents de deffriché en superficie sur lequel terrain nous aurions trouvé une garange bâtie sur solle et quinze cases à nègres, le dit terrain ensemencé de vivres appartenant à Monsieur Amyault Dausseville pour lequel terrain le dit Sieur Dausseville nous auroit représenté un contrat passé à la Nouvelle Orléans par devant Henry Nottaire Royal à la Louisianne le cinquième Aoust mil sept cent trente cinq par lequel il appert que le dit Sieur Dausseville a achepté le dit terrain du Sieur Pierre Voisin et que il avoit été précédemment vendu par le Sieur Buchet suivant leur contrat de vente passé par devant le dit Henry Nottaire le vingt sept Novembre mil

sept cent trente et un et que le dit Buchet avoit acquis le dit terrain du nommé André Crestmane allemand par autre contrat passé aussy par devant le dit Henry Nottaire le vingt deux Juïn mil sept cent trente, le dit André Crestmane étant pour lors possesseur du dit terrain en vertu de la cession à luy faite immédiatement par mon dit Sieur de Bienville, Seigneur et propriétaire de ce terrain par contrat passé par devant Rossard Nottaire Royal à la Louisianne le premier Janvier mil sept cent vingt trois, au redevance de huit livres trois sols quatre deniers de rente pour chacun arpent a commencer du premier Janvier mil sept cent vingt cinq, comme aussy de six chapons et de dix journées de travail par chaque année desquels titres, terrain et bâtiment nous arpenteur soussigné à ce connus avons dressé le présent procès verbal en présence du dit Sieur Amyault Dausseville et du Sieur Fabry de La Bruyere témoin soussigné, fait à l'habitation du dit Sieur Dausseville le jour et an que dessus.

F. Saucier

Dausseville

Fabry de La Bruyere

Nous Edme Gatien Salmon, Conseiller du Roy, Commissaire de la Marine Ordonnateur, Premier Juge au Conseil Supérieur de la Province de la Louisianne, certifions à tous qu'il appartiendra que la signature de M^e Henry Nottaire est véritable et que foy doit y estre adjoutée en témoin de quoy nous avons signé ces présentes et fait contresigner par nostre secretaire.

Donné en nostre hotel de la N^{elle} Orleans ce 17 Décembre 1737.

Salmon

Pour copie collationnée

Henry.

Document No. 8
Translation.
1737—Sept. 25.
Proces-verbal of
survey and title of
Hubert Bellair,
derived from Bienville
Dec. 5, 1724.
5 arpents by 40.

In the year one thousand seven hundred and thirty-seven, Friday, September twenty-seventh, by virtue of the order of Messrs. de Bienville, Governor of the Province of Louisiana, and Salmon, Commissaire Ordonnateur in the said Province, we, Francois Saucier, surveyor, went to a tract of five arpents front on the river Saint Louis by forty in depth, protected by a levee along the said river, hav-

ing seventy-five superficial arpents sowed with vegetables and food-stuffs, without any building thereon, situated above New Orleans, on the same side, at a distance of a league and a half and above the land of Sieur de Lery, the said tract belonging to Sieur Hubert Bellair, for which land he produced a contract passed at New Orleans before Rossard, Notary in Louisiana, on December fifth, one thousand seven hundred and twenty-four, by which it appears that my said Sieur de Bienville has ceded and transferred to the said Sieur Bellair the quantity of eight arpents fronting on the river, of which the said five arpents form a part, the said Sieur Bellair having ceded the three others to Sieur de Lery, following the agreement passed between them before Henry, Notary Royal in Louisiana on the⁷ for which eight arpents the said Sieur Bellair has agreed, following the said contract to pay my said Sieur de Bienville, the sum of forty-eight livres, and also sixteen capons and eight days of labor as service due the whole for each year, of which titles and land, we, surveyor undersigned appointed for this purpose, have drawn the present proces verbal in the presence of the said Sieur Bellair and of Sieur Fabry de la Bruyere, witnesses undersigned. Done at the plantation of the said Sieur Bellair the above day and year.

Signed: Saucier
Bellair
Fabry de la Bruyere.

Extract collated with the minutes which remain in charge of the Notary undersigned.

Signed: Henry.

1737—Dec. 17.

Authentication by
Salmon.

We, Edme Gatien Salmon, Councillor of the King, Commissioner of the Marine, Ordonnateur and First Judge in the Superior Council of the Province of Louisiana, certify to all whom it may concern, that the above signature of M^e Henry, Notary, is authentic, and that faith may be had therein. In witness whereof we have signed these presents and had them countersigned by our Secretary.

Given in our office at New Orleans this seventeenth of December, one thousand seven hundred and twenty-seven.

Signed: Salmon.

⁷Left blank in the text.

Document No. 8 L'an mil sept cent trente sept, vendredy vingt
Text. sept Septembre, en vertu de l'ordonnance de
Cons. p. 63.

Messieurs de Bienville Gouverneur de la Province de la Louisianne et Salmon Commissaire Ordonnateur en la dite Province, Nous Francois Saucier arpenteur sommes transporté sur un terrain de cinq arpens de face sur le fleuve Saint Louis sur quarante de profondeur garanty d'une levée le long dit fleuve ayant la quantité de soixante et quinze arpens de deffriché en superficie ensemencé de vivres sans aucun bati-ment scitué au dessus et du même costé de la Nouvelle Orleans distance d'une lieue et demy et au dessus du terrain du Sieur de Lery, le dit terrain appartenant au Sieur Hubert Bellair pour lequel terrain il nous auroit représenté un contrat passé à la Nouvelle Orleans par devant Rossard Notaire à la Louisianne le cinquième Décembre mil sept cent vingt quatre, par lequel il apert que mon dit Sieur de Bienville a cédé et transporté au dit Sieur Bellaire la quantité de huit arpens de face sur le dit fleuve desquels les dits cinq arpens font party le dit Sieur Bellaire ayant cédé les trois autres au Sieur de Lery suivant l'accord passé entre eux par devant Henry Nottaire Royal à la Louisianne le pour lesquels huit arpens le dit Sieur Bellaire seroit convenu suivant le dit contrat de payer à mon dit Sieur de Bienville la somme de quarante huit livres comme aussy seize chapons et huit corvées de travail le tout par chaque année, desquels titre et terrain, Nous arpenteur soussigné à ce commis avons dressé le présent procès verbal en présence du dit Sieur Bellaire et du Sieur Fabry de La Bruyere témoins soussignés, fait à l'habitation du dit Sieur. Bellaire le jour et an que dessus.

Saucier

Bellair

Fabry de La Bruyere

Pour extrait collationné sur les

minuttes resté ez mains de nous Notaire soussigné.

Henry.

Nous Edme Gatien Salmon Conseiller du Roy, Commissaire de la Marine, Ordonnateur et premier Juge au Conseil Supérieur de la Province de la Louisianne, certiffions à tous qu'il appartiendra que la signature cy dessus de M^e Henry Nottaire est véritable et que foy doit y estre adjoutée en temoin de quoy nous avons signé ces présentes et fait contresigner par notre secretaire.

Donné en notre hotel à la Nouvelle Orleans ce dix septieme
Décembre mil sept cent vingt sept.

Salmon.

Document No. 9

Translation.

1737—Sept. 27.

Proces-verbal of
survey and letters of
Hubert Bellair, acting
for his wife, the
widow of Etienne
Roye. The said
Etienne and his wife
acquired from
Bienville Sept. 1, 1723.
8 arpents by 40.

In the year one thousand seven hundred and thirty-seven, on Friday, September twenty-seventh, by virtue of the order of Messrs. de Bienville, Governor of the Province of Louisiana, and Salmon Commissaire Ordonnateur of the said Province, we, Francois Saucier, went upon the tract of eight arpents fronting the river St. Louis by forty arpents in depth, situated above New Orleans, on the same side, adjoining the land of Sr. Hubert Bellair, protected by a levee along the said river, sowed with food stuffs, having one hundred and twenty superficial arpents cleared, on which land we found a house on the ground, consisting of a parlor, a room and a closet, a barn, a warehouse, a pigeon house, a hen house, a kitchen and five negro quarters, the said land owned by Sieur Hubert Bellair in the name and as husband of the widow of Sieur Etienne Roye, for which land the said Bellair presented to us a contract passed at New Orleans, before Rossard, Notary Royal at New Orleans, September first one thousand seven hundred and twenty-three by which it appears that my said Sieur de Bienville, Lord and proprietor of the said land ceded and transferred it to the said Sieur Etienne Roye and to Dame Chaterine Neveu, his wife, at the rental for the first six arpents of six livres for each arpent and likewise of twelve capons and ten days of labor for the said six arpents for each year and for the two certain arpents at the quit-rent of six livres of rent solely for each arpent without capon nor labor. Of which titles, land and building, we, surveyor undersigned, for this appointed, have drawn the present procès verbal in the presence of the said Sieur Hubert Bellair and of Sieur Fabry de la Bruyere, witnesses undersigned. Done at the plantation of Sieur Bellair the above day and year.

Signed: Saucier

Bellair

Fabry de la Bruyere

Extract collated with the minutes which remain in charge of the undersigned Notary.

Signed: Henry.

1737—Dec. 17.
Authentication by
Salmon.

We, Edme Gätien Salmon, Councillor of the King, Commissioner of the Marine, Ordonnateur and First Judge in the Superior Council of Louisiana, certify to all whom it may concern, that the above signature of M^e Henry, Notary, is authentic and that faith may be had therein. In witness whereof we have signed the present and had it countersigned by our Secretary.

Given in our office at New Orleans, on the seventeenth of December, one thousand seven hundred and thirty seven.

Signed: Salmon.

Document No. 9
Text.
1737—Sept. 27.
Cons. p. 67.

L'an mil sept cent trente sept vendredy vingt sept Septembre en vertu de l'ordonnance de Messieurs de Bienville Gouverneur de la Province de la Louisianne et Salmon Commissaire Ordonnateur de la dite Province nous François Saucier arpenteur nous sommes transporté sur un terrain de huit arpents de face sur le fleuve St. Louis sur quarante arpents de profondeur scitué au dessus et mesme costé de la Nouvelle Orleans attenant à la terre du Sieur Hubert Bellaire guaranty d'une levée le long du dit fleuve ensemencé de vivres ayant la quantité de cent vingt arpens de defriché en superficie sur lequel terrain nous aurions trouvé une maison sur solle consistant en une salle une chambre et un cabinet, un hangard, un magasin, un pigeonnier, un poulailler, une cuisine et cinq cazes à negre, le dit terrain appartenant au dit Sieur Hubert Bellair au nom et comme époux de la veuve du Sieur Etienne Roye pour lequel terrain le dit Sieur Belaire, nous auroit représenté un contrat passé à la Nouvelle Orléans par devant Rossard Nottaire Royal à la Nouvelle Orleans le premier Septembre mil sept cent vingt trois par lequel il apert que mon dit Sieur de Bienville Seigneur et propriétaire du dit terrain l'a cédé et transporte au dit Sieur Estienne Roye et à la Dame Chaterine Neveu son épouze au redevance pour les premiers six arpens de six livres de rentes par chacun arpent comme aussy de douze chapone et dix journées de travail par forme de corvée pour les dits six arpens par chacun au et pour les deux arpens de surplus au redevance

de six livres de rentes seulement par chacun arpent sans chapon ny corvée, desquels titres, terrain et bastiment, nous arpenteur soussigné à ce commis avons dressé le présent procès verbal en présence du dit Sieur Hubert Bellaire et du Sieur Fabry de La Bruyere, témoins soussignés, fait à l'habitation du Sieur Bellaire les jours et an que dessus.

Saucier

Bellair

Fabry de La Bruyere

Pour extrait collationné sur la minute resté es mains de nous dit Notaire sous signé.

Henry.

Cons. p. 70.
1737—Dec. 17.

Nous Edme Gatien Salmon Conseiller du Roy Commissaire de la Marine, Ordonnateur et premier Juge au Conseil Supérieur de la Louisianne, certiffions à tous qu'il appartiendra que la signature cy dessus de M^e Henry Nottaire est véritable et que foy doit y estre adjoutée en témoin de quoy nous avons signé le présent et fait contresigner par notre secretaire.

Donné en notre hôtel à la Nouvelle Orleans de dix septième Decembre, mil sept cent trente sept.

Salmon.

(To be Continued.)



BOOK REVIEWS

The Freedmen's Saving Bank: A Chapter in the Economic History of the Negro Race. By Walter L. Fleming, Ph.D., University of North Carolina Press, Chapel Hill, etc., 1927.

Professor Fleming has long been recognized as an authority on the Reconstruction period of the southern states. His most recent contribution to the subject is a small volume of 163 pages, including the appendix, in which he has traced in a clear and convincing manner the story of the rise and fall of an institution which has received all too scant notice in the pages of the standard histories of the United States. In the works of such writers as Rhodes, Oberholtzer and Schouler, the Freedmen's Bank is not even alluded to. The first volume of the author's *Documentary History of Reconstruction*, published in 1906, contains a brief selection of documents illustrating different phases of the Bank's chequered and disastrous career. The present volume contains an introductory chapter in which is summarized the hapless plight of the freedmen at the close of the Civil War. Then follow eight short chapters in which is unfolded the history of the institution that was launched by Congress amid such favorable auspices in March, 1865.

Headquarters were first established in New York City. Eventually thirty-four branches were established, all save two of which were in the southern states. One of these was at New Orleans, and had in 1874 deposits to the amount of \$240,000. The first bank established for Negroes only, it is of interest to note, was the "Free Labor Bank," organized in the same city by General N. P. Banks, in 1864. In 1868 the headquarters of the Freedmen's Bank was moved to Washington, with John W. Alvord, formerly connected with the Freedmen's Bureau, as president. The years immediately following were a halcyon period for the promoters, the sleek negro clerks, and the credulous depositors, who were induced by all kinds of alluring advertising *media* to entrust their hard-earned savings to an institution that had been sanctioned by Lincoln himself. Before the Bank closed its doors it had 72,000 sable depositors scattered all over the South. Strange to say the credit of the institution was rated A-1

only a month before the Bank was pronounced insolvent. At this time, 1874, the deposits in the various branches totaled \$3,000,000. Neglect and indifference on the part of the trustees, incompetency and fraud on the part of the officials, the connection with Jay Cooke and Company and with the Freedmen's Bureau, were only a few of the things which serve to explain the troubles which had overtaken the Bank by 1873.

Within a month after a national bank examiner had reported the Bank insolvent the presidency was foisted upon Frederick Douglas. In his *Life and Times* he has penned a vivid and entertaining narrative of his experiences as head of the defunct organization. At his instance Congress enacted a law providing for three commissioners to take charge of the affairs of the Bank. The result of their six years' work was the payment of 40 per cent in dividends, besides other steps of a constructive nature. In 1881 Congress provided for the Comptroller of the Currency closing out the business. From time to time prominent men, including Cleveland, believed it the duty of the government to reimburse depositors, but nothing ever came of it. The last serious discussion of this nature in Congress was in 1910.

It goes without saying that such an institution conservatively and honestly managed would have been an immense boon to the Negro, both from a financial and a moral viewpoint. When one considers however the low tone of business and political morals that prevailed during Grant's two administrations, it is not surprising that the Bank should have come to grief. Such an institution afforded choice pickings to the corrupt political ring that disgraced the national capitol.

The volume is neatly printed, contains an index, and while restricted in scope, conforms to the canons of modern historical investigation.

JAMES E. WINSTON.

EDITOR'S CHAIR

By HENRY P. DART

**SURREY'S CALENDAR
OF MANUSCRIPTS IN
PARIS RELATING TO THE
HISTORY OF THE MISSISSIPPI
VALLEY UNDER THE FRENCH
DOMINATION**

The Carnegie Institution of Washington, Department of Historical Research, has issued Vol. 1 of the Calendar of Manuscripts in Paris Archives and Libraries

relating to the history of the Mississippi Valley to 1803. Edited by N. M. Miller Surrey (Mrs. F. M. Surrey). The book is what is called a planograph, that is, a reproduction from a typewritten text giving the work the appearance of a beautiful piece of typewriting. The book is of course "not designed for consecutive reading but for consultation," and for this reason a small edition was issued mostly for deposit in libraries.

The history of the preliminary work here consummated was told by Mrs. Surrey in the Louisiana Historical Quarterly for October, 1924, and Dr. J. Franklin Jameson in a Preface to the Calendar adds the last word on the subject. From the latter's brief and lucid account it appears that in 1907 historical societies in the Mississippi Valley, and other historical agencies were forming plans for the exploitation of the immensely rich materials for its history preserved in manuscript in the archives and libraries of Paris. This activity indicated a needless duplication of effort and the American Historical Association formed a Committee of Cooperation of such societies and agencies with Dr. Dunbar Rowland of the Mississippi Department of Archives and History as chairman.

The first step in the effort was the preparation of a Calendar or itemized descriptive list of all the manuscript documents relating to the Valley or any part of it found in those repositories. A sum of money was collected (the Louisiana Historical Society making a small contribution) and the work was put in charge of Mr. Waldo G. Leland of the Carnegie Institution who was then in Paris. Under his care the work of note-taking was continued until the breaking out of the World War, at which time it seemed to be nearly finished. The interruption caused by the War gave opportunity to revise the work and it was concluded that it was necessary to make further searches and to reduce to uniformity the work of the various hands employed in the note-taking.

The funds originally collected having been exhausted, the Carnegie Institution of Washington agreed to take charge and complete the task in the form of a Calendar. The Editorial work was entrusted to Mrs. N. M. Miller Surrey, who pursued

it with extraordinary industry and devotion for several years, partly in Paris but mostly in the New York Public Library, whose authorities gave facilities therefor. In due course her work was subjected to still further and most careful revision by Mr. David W. Parker, formerly keeper of the manuscripts and Public Archives of Canada, the enterprise remaining always under the general conduct of Mr. Leland.

It was resolved to reproduce the work by planograph rather than by print, because planograph reproduction (from a typewritten text) avoids typographical errors and corrections and partly because that method was much more economical in the case of so small an edition as was requisite. This policy has been followed and a small edition issued and copies presented to certain public repositories. The first volume has appeared covering the period 1581-1739, and it is expected the second volume completing the work will appear during 1928.

In addition to the Calendar proper there is attached a careful list of officials and the periods of their service which covers the Ministers of Marine and Colonies, Directors of the *Compagnie d'Occident* and *Compagnie des Indes*, Intendants at Rochefort, Governors of Louisiana, *Ordonnateurs* of Louisiana, *Conseil de Regie* of Louisiana, Governors of Canada, Intendants of Canada, Governors of Montreal, Commandants at Detroit and Commandants at the Illinois.

The bare statement that this is an octavo volume of 889 pages, with from twelve to fifteen entries on each page, indicates the nature of the mighty task here completed, but when we add that each brief entry is sufficient to give the searcher a key to the document noted, it will be realized how great is our debt to the authors of this plan, to the men and women who have laboriously examined these ancient papers and to the compilers who have organized the material in the shape it is here presented.

In short, here is laid before us every surviving record of the French regime that has a bearing upon the French colonial administration in the Mississippi Valley and there remains nothing more to expect save the results of the careful examination which we understand is part of the plan, to discover such parts if any of these and like documents that may be scattered in other places. The Mississippi Valley and the State of Louisiana in particular, owes a debt of gratitude to Dr. J. Franklin Jameson who has presided over this notable undertaking and whose genius and persistence has brought it to a triumphant conclusion.

✓ **RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
XXXVI.**

(Continued from July, 1927)
(January-June, 1741.)

By WILLIAM PRICE and HELOISE H. CRUZAT

Jan. 3, 1741. One Chapellet claims an account of 128 livres from Lazous for overpaid salary on a trip to Vera Cruz on ship Les Deux Amis. Council orders adjustment between L's rightful credit and his items debit. Document in shreds.
2 pp.
Sut for return of salary overpaid.

Jan. 7. Francois Jahan sues Rondeau of Pointe Coupée for 41 livres.
1 pp.

Jan. 7. Notice of citation served on Jean Roblot called Matelot, a resident of Pointe Coupée, following petition of Sr. Trenaunay Chanfret. Notice served on him personally at Mr. Ozanne's in New Orleans, where Roblot has elected his domicile, by Sheriff Lenormand. The few last lines of document alone visible.
2 pp.
Return of service of citation.

Jan. 10. Document entirely washed out. The questions to be asked of said slave on reverse page; Chapron, owner of negro Pierrot disavows all defense of Pierrot if guilty, and protests against loss consequent on Pierrot's detention.
4 pp.
Inquiry into conduct of slaves.

Jan. 12. By Jeanne Elizabeth Bonnet, wife of Hypolite Prestre, authorized by her husband, renounces the succession of Elizabeth Fournier her mother. Duplicate copy in file.
6 pp.
Renunciation of claim to succession.

Jan. 14. Dame Louise Malbec, Widow of Petit de Livilliers answers the suit of Jacques Judice, previously non-suited by the Council. She insists he has no right or claim against her. The suit is to recover the value of indigo, stakes, laths, boards, beans and sweet potatoes. Defendants prays the suit be referred to arbitration.
2 pp.
Answer in suit of Judice vs. Petit de Livilliers.

No note by Court. Document stained and torn.

- Jan. 14, 1741. Demand by Procureur Fleuriau that the
1 p. N. P. above suit be dismissed. Torn margins.
- Jan. 14. 1. Dr. Prat vs. de Chavannes. For plaintiff.
1 p. 2. Jacques Judice vs. Dame Petit de Livilliers.
Decisions by Nonsuited and out of Court. Costs
Superior divided.
Council. Document stained by water.
Officers de la Houssaye and Herbert. Soiled
and worn.
- Jan. 16. **Examination of Negro Pierrot**, of Biefada nation,
4 pp. aged about 30 years, baptized. Charged with
Prosecution of marooning. He ran away because he was put
runaway slave. in irons and wrongly accused of stealing. He
and his fellow marooner lived on wild cats and
rats of the wood. He ran away once before
discontented with his wife.
- Jan. 16. **Denny of Samba nation**, aged 50, Slave of Chap-
7 pp. ron's.
Examination Sans peur, 30 years old, Bambara nation.
of runaway La Richer, aged 25 years, Bambara nation.
slaves. L'Eveill  , aged 30 years, Samba nation.
Bambara, 27 years old, Samba nation.
- Jan. 17. **Simon Charpentier**, Sheriff of Illinois, notifies
1/2 pp. Louis Mitwin that his opposing party, one
Appeal from Louis Turpin, of Cascaskias, has appealed to
Illinois to New Orleans and is notified to appear in three
Superior months from date or on arrival of first trad-
Council at New ing outfit (... "train").
Orleans. See answer to this appeal April 4, also fur-
ther proceedings May 3.
- Jan. 18. On request of Jacques Dupr   alias Dar-
1 p. banne, of Biloxi, Joseph Moreau is notified to
Citation to appear on the first Saturday of the month of
appear before February next at 9 o'clock A. M., on which
Superior day it was continued for further evidence.
Council.
- Jan. 18. **Seizure** by Sheriff Lenormand in hands of Ne-
Suit for debt grier, debtor of Joseph Moreau, 125 piastres.
and seizure of Negrier admits indebtedness of the particular
money. sum of 125 piastres.
- Jan. 21. **Medical Certificate** by Dr. Prat, certifying that
Dr. Prat negro Paulite of Coustilhas estate is attacked
certifies to with violent cough, tumors and some fever.
illness of a Case pronounced critical.
slave.

Jan. 21, 1741. Petition to sell syphilitic slave. Attorney D'Aus-

3 pp.

Sale of diseased
slave at auction
at close of High
Mass on
Sunday.

seville reports that negro Hypolite belonging to Coustilhas Estate has been disabled for past eight months by venereal disease now in its final phase. It would cost a round sum to treat, feed and lodge him. Better discount his remnant value to heirs concerned by selling him next Sunday at exit of High Mass rather than incur total loss of him by death.

Judge Salmon assents and he is bought by François Seguier for 1080 livres cash.

Jan. 24.

2½ pp.

Suit against
endorser.

Petition to Superior Council by Pierre Ancelain, merchant of this City, for citation before Council of Roldan for payment of 115 livres endorsed by Sr. Jung. In default of payment by Roldan, Sr. Jung should pay it with interest thereon. Signed: Ancelain.

Jan. 24, 1741—Permit to cite signed: Raquet.

Jan. 29, 1741—Notice of citation served on Sr. Canches, Roldan and of Sr. Jung by Sheriff Lenormand. Document water stained, blotted and perforated.

Jan. 28.

2½ pp.

Suit to enforce
corn contract.

Dame Louise Malbec, widow Petit de Livilliers demands fulfillment of her contract with Sr. Herbert, tradesman at Pointe Coupée for shelled corn. He made untenable excuses, having sold to the other parties to the neglect of his agreement with Madame.

Document charred, torn and almost going to pieces.

Feb. 4.

2½ pp.

Action for
damages for
ill treating a
slave.

Defense of Captain Broutin, engineer, urging that while it is hard to prove Claveau responsible for death of negro in question, yet he failed to report the case in time; but all plantation slaves and servants found the sick negro perishing like a dog, and the Surgeon's certificate bears out the point of "contributory negligence." Other charges of gross negligence are adduced against P. C. and the petitioner would have him redeem the value of the slave in question.

Feb. 4, 1741.
1 p.
Decisions of
Superior
Council in
Sundry Suits.

1. Jacques Dupré, alias Therebone, vs. Moreau. Further pending.
 2. Bernard Alexandre Viel vs. Mayeux de Lormaison. For B. A. V.
 3. Pierre Claveau vs. Broutin and vice versa. B. is nonsuited. He shall pay P. C. his salary claim.
 4. Francois Jatian (Jahan) vs. Rondo. For F. J. 41 livres.
 5. Ives Lemeur, alias Albert vs. La Combe, further in advisement.
- Signed: Salmon, Bobé Descloseaux, Bienville, Lafreniere, Louboey, Fazende, Couturier.

Feb. 4.
1 p.
Fines imposed
for insult
and assault.

Procureur General Fleauriau recommends that Herbert pay 300 livres in favor of Feugere, whom he assaulted and insulted and also 100 livres for repairs of the Church at Pointe Coupée.

Item "The said Coureur is fined 50 livres towards same repairs."

Decision of
Council in
same case.

Louis Feugere and the Procureur General vs. Joseph Herbert and Le Coureur, defendants, convicted of ill treatment.

Sentence of the Court following advice of Procureur General. Bienville among signers. (Ragged edges.)

Statement of
the facts in
same case.

Note: Louis Feugere following a document found in this folder, but not indexed, went to the house of Sr. Herbert, a merchant at Pointe Coupée, to ask news of his wife, who was ill at the home of her father-in-law, whereon Sr. Herbert seized him, threw him on the bed, and whipped him on his bare skin, after resistance, and tried to throw him in a tub of tar. Feugere applied to Sr. Trenaunay Chanfret, subdelegate at Pointe Coupée and inquiry was made on the 5th of January, 1741, and on the ninth of January of the same year, Trenaunay signed the inquiry and referred it to the Procureur General of the King. This petition, signed Feugere is dated Oct. 18, 1740.—H. H. C.

Feb. 8.
3 pp.

Confrontation of witnesses in case against J. B. Gauvain, who adhere to their former statements. Parties de Corbier, Tixerant, Ancelain.

Feb. 11, 1741. **Claim by Attorney D'Ausseville** of a rice bill against Larche contracted on Oct. 17, 1729, and ordered paid by ruling of Aug. 13, 1733.

Feb. 13, 1741—Notice to Larche found on Levee at New Orleans; he being a resident of Pointe Coupée.

Judgment March 4, 1741.

Feb. 11. **Claim by Attorney D'Ausseville** of an account of 64 livres due by Larche of Pointe Coupée to Ferchaud Estate:

Item 1500 lbs. of sassafras. The said Larche is also debtor to Haran Estate.

Feb. 11, 1747—Notice served on Larche on the Levee of New Orleans to appear on the first Saturday of March.

Feb. 11.
3 pp.
The story of
a stormy
breakfast.

Examination of Witnesses concerning a quarrel between Jacques Dupré and Joseph Moreau. They were on good terms in the house, where they breakfasted on a little pig. Afterwards a dispute arose between Dupré and Moreau and Jean Moreau, Joseph's brother, and a note affair became drawn into the fray. Moreau seized his sword and rushed at Dupré, who parried with a brick. Madame Moreau took a hand with a switch. Nobody seem to have been damaged and all went to supper at the house of Henry Saucier, the witness. Joseph Moreau withdrew before the meal. Incident happened before Christmas.

Feb. 11.
2½ pp.
Suits between
brothers-in-law.

Complaint by David Janneau showing that his brother-in-law Sr. Durcy, fails to allow petitioner his full allotment in Haussecorne estate. Let a negro who was awarded to D. be sold and proceeds divided in a manner to square deficit in question.

Judge Salmon orders Durcy to be cited.
Notice served.

Feb. 15.
2 pp.
Arbitration
report.

Claude Trenaunay Chanfret and François Noyon, arbitrators in the disputes between Mssrs. Meuillion and Joseph C., alias Toulouse, reports as follows: First, Toulouse shall fence in the five acres at issue or else account to Mr. M. for sum of forty-four livres, three sols; secondly, Toulouse shall repair levee where damaged, and he shall do so substantially; thirdly,

1741. some fair provisos on the score of cattle dead or stolen; lastly, Toulouse shall make good any deficits rightfully to his charge on inventory list.

Feb. 18, 1741. **Two chests of goods** consigned on board L'Aimable Suzanne, Captain Bausson, to the account of Mr. Charles Le Roy, Second Captain, at his risk, and also to the joint account of Jean Galle, partner of Le Roy. Goods to be sold by Le Roy during the voyage. Detailed list of contents. Total bill 8337 livres, 8 sols. Galle receipts for 4168 livres and Le Roy to G. for goods billed. Annexed power of Attorney by G. to Nicolas Ducret, alias Belhumeur for settling with Le Roy. Further memorandum at the Cape, Feb. 11, 1742.

Feb. 21. **Mr. Joseph Moreau**, settler at Biloxi "which is 25 leagues by sea from this town," has come to New Orleans for no other business than a lawsuit brought against him by Jacques Dupré Therebonne. Insists on holding latter accountable for former's expenses in the case. Annexed power by Moreau to Jacques Ozenne, cooper of the King, who shall plead in Moreau's defense.

Feb. 21. **Company's Agent Prevost** acknowledges receipt from Brantan the sum of 500 livres for a negro boy bought by latter from Jean Moreau at Viger's sale. Viger's estate becomes thereby credited with 1000 livres (premium included). Registered on April 14, 1741.

Feb. 21. **Alexis Piguet**, sailor on board the ship Saint Jacques belonging to Mr. Daussant, claims from latter 300 livres, loan payable in Spanish piastres at 6 livres or at 5 livres in current funds of Martinique, "which would be small coin of Spain." Let Agent of Mr. D. be cited, also Mr. Pery, his depositary.

Court notice nearly extinct.

Feb. 22. **Complaint by Joseph Moreau** who disburdens himself of some grievances against one D'Erbonne, growing out of their loosely worded contract in tar trade. Biographic diversions are herewith interspersed, including the des-

1741. perate escape of J. M. from hurricane "received at Isle de la Chandeleur." Damages besought, 100 livres and let contract be cancelled.
- Feb. 25. **Bernard Louis Potin**, at present imprisoned, has executed two bonds in order to clear himself with Sr. de la Pommeraye, to wit, for sums of eleven thousand and some hundred livres. Let prisoner be consequently discharged so that he may look after his business.
2 pp. Discharge of imprisoned debtor.
- Referred by Judge Salmon to Mr. de la P. and the Procureur General. They both accede.
- Subjoined orders of Council providing for discharge of Potin and erasure of his name from prison roll.
- Feb. 27. **Captain Coquelin** of Ship St. Jacques learns that one Gerbe has seized all the captain's credits with Mr. Tranaunay Chanfret as proceeding from sale of cargo in bloc to Mr. T. de C. This puts the Captain to much inconvenience in his business.
1 p. Intervention in attachment proceedings.
- Let Gerbe be cited to explain and to warrant the seizure in question.
- March 3. **One Bearnias**, soldier on leave of absence from La Balize, in a matter not of his military connection will pay the guard fees of his alter-nate.
Slip. Order to pay substitute for guard service.
- March 3. **Prevost**, Agent of the Company, would appear to agree that Tixerant be held only to his individual account. Document crippled. Amount in question 26834 livres.
- March 4. Decision of Superior Council J. B. Prevost and Tixerant. T. is the husband of Marie Artus, widow of André Carriere:
Adjustment of suit over losses in hurricane.
1. Account rendered by Tixerant on Jan. 10, 1740, shall stand as then closed.
2. Tixerant shall conjointly pay Company or its Agent the sum of 26834 livres in total balance due to date. Costs divided.
- March 20. Tixerant takes cognizance of copy hereof presented by Mr. Prevost.

Mar. 4, 1741. **Attorney D'Ausseville** remonstrates that Council has ruled postponement of the sale of some negroes belonging to Coustilhas' estate until arrival of King's vessel. Tenant Dalcour's lease has expired on March 1 and he is willing to feed slaves free from hire for another fortnight. But in view of high price of grain it would mean loss to the heirs to keep said slaves fed until vessel arrives. Either allow sale sooner or let D. feed them at his cost another fortnight. Council agrees to latter proviso.

Petition to expedite sale of slaves.

March 4.
6 pp.

Petition for seizure.

Andre Gerbe reviews the litigation between himself and **Sieur Daussant**, who has chosen **Sr. Gatian** for his Attorney. The latter has fully seconded **Sr. Daussant's** endeavors to dodge his just dues to A. G. In sum Gerbe claims 3000 livres by way of one sixth profit on **Dausant's** cargo.

Item, board bill and fare back to San Domingo 3000 livres, therefore let seized funds to the amount of 6000 livres be turned over to G.

March 4.

Decisions of Superior Council in sundry suits.

1. D'Ausseville vs. Jacques Larche. Rice claim allowed.
2. D'Ausseville for Ferchaud estate vs. Larche and Harang. For D'Ausseville.
3. Piquet vs. Captain of St. Jacques and Mr. Pery. For Piquet. Costs on Mr. Dausant.
4. Same Captain André Gerbe and inversely Mr. Pery, depositary for D. Shall pay 500 livres otherwise G. may look to Daussant independently. Seizures declared void. Costs on Daussant.
5. Dupré (Therebonne) vs. Moreau. Out of Court. Seizure by plaintiff shall not stand. Costs divided.
6. Germain T. vs. Liberge estate. Attorney D'Auseville shall pay plaintiff the sum of 80 livres from estate funds. Costs on estate.

March 7.
3 pp.

Port Captain Livaudais reports upon condition of the St. Jacques.

Port Captain Jacques de Livaudais, on request of Captain Raymond Coquelin de la Tiolais of the packet boat St. Jacques, of about 20 T., supervises proceedings of inspection to ascertain what alterations are needed in order to fit said craft for fresh service. Detailed list submitted. (Soiled and worn.)

1741.

March 7, 1741. Experts' bill for repairs on packet boat St. Jacques total 17695 livres. Subjoined item of 11000 livres deducted for a slave transaction, leaving net statement 6695 livres.

March 15, 1741. Captain Coquelin de La Tiolais shows that he lacks at least 6695 livres for putting the St. Jacques in serviceable order. Let Mr. Pery to whom the vessel "is addressed" be cited.

March 30.

1 pp.

Protest of the
Captain of St.
Jacques.

Captain Coquelin de la Tiolais reports that in the matter of equipping the packet boat St. Jacques he cannot afford the costs by himself and he means to dismiss the remainder of his crew and to disarm the boat until arrival of Mr. Daussant or other word from him. Remonstrant will wait about two more months and then drop the business. He protests on the score of enforced expenses.

Granted March 17 and a notice to Mr. Pery March 18.

March 14.

2 pp.

Receipt for
part of the
share of heirs.

Francois Durcy of Haussecorne affiliation has received of Dumas Lempileur for himself and his brother-in-law Estienne Jeannot, the sum of 2879 $\frac{3}{4}$ livres, accruing from the Fontaine-Haussecorne estate.

March 21.

1 p.

Surgeon's
report at
Pointe Coupée.

Dr. Darcolon Deche, surgeon at Pointe Coupee, certifies that he attended to a breast wound caused possibly by a tumor, giving account complicated treatment to Mr. Decuir's savages. Lasted from Dec. 10, 1740 to Feb. 16, 1741.

March 23.

2 pp.

Investigation
thefts of six
bags of money.

At 7 A. M. Mr. Gerard Pery files notice that certain Spaniards who lodged in his house have been robbed of a large sum of money, six bags containing 1000 piastres each. Mr. G. P. requests official viewing of the premises to forestall any charge of personal responsibility against himself.

March 23, 1741. 8 A. M. Judge Salmon, with Procureur General Fleuriau and recorder of the Council visit the premises and finds evident marks of housebreaking. The revised loss is found to be 4000 piastres.

1741.

March 24, 1741. Mr. Jean Francisque de la Torre, merchant of St. Louis de Potosi, reports he came to town on past Feb. 2, ballasted with 21000 piastres. He first stored this money in the house of Mr. Labat, which had been engaged for himself and companions. On evening of same day Mr. Pery who had met the party in the river sent his negroes and a soldier to remove the money to Mr. Pery's where it would be safe, so Mr. P. assured. Mr. Torre trusted though Mr. P. gave no hint of the transfer in advance. Mr. Labat and others were present at the safety understanding. Money was laid on the floor of a closet "whence it happened" that some of the money was stolen the night of March 22-23. Mr. Torre regards Mr. Pery as responsible for the stolen money and would have held him accountable for the full sum in trust with him.

Action allowed. Mr. Pery notified March 27, 1741.

Similar notice to other Spaniards, to Mr. Pery's clerk, Darieux and to Mr. Pery.

Report of proceedings whereby Judge Salmon swears in a number of Spaniards who have been cited in connection with investigated robbery at Mr. Pery's. Jean Gonzalle acted as interpreter when needed.

Sheriff Lenormand cites a designated list of Spaniards in the case moved by Mr. Torre to appear at 2 P. M. today before Judge Salmon.

March 27, 1741. Eight witnesses, four Spanish and four French, give evidence in robbery suit. Essential agreement that Mr. Pery met the Spaniards down stream (six leagues) and offered them his house. Money was conveyed in part to Mr. Labat's, in part to Mr. Pery's; but Mr. Labat himself states that the deposit in his house was removed to Mr. Pery's half an hour after arrival, and this to the Spaniards' knowledge. It was well understood that the money would be safe at Mr. Pery's. Witness Darieux was posted by Mr. Pery to keep watch on the money while unloading from the Spanish dugout. The party came up from La Balize in company with a soldier from that post who is the last French witness. Judge Salmon refers the case to the Procureur General. Two of the witnesses,

1741.

Jean Dalcour of Havana, and the soldier from La Balize, were heard on April 3 on Judge Salmon's order.

March 28, 1741. Don Sebastian y Aragon y Cano, Don Francisco de la Torre and his associates beseech hearing of Mr. Lacour at present on board Mr. Pery's boat at La Balize. Let the said boat be kept waiting accordingly. (Lacour's testimony emphasized the point that the money would be safe at Mr. Pery's and subject to call when wanted).

March 29. Referred to Judge Salmon. Signed Bienville.

Captain Pierre Labat of the vessel St. Louis of Louisiana, which vessel he also owns, objects to proposed detention of himself at La Balize in the Spaniards' proceedings against Mr. Pery. Let the Sieurs in question be cited to pay costs of delay and become responsible for vessel. Estimated cost of outfit and total costs 50500 livres.

Recorder Henry reports on the foregoing objections. Spanish vessel concerned was St. Joseph des Ames du Purgatoire of Campeche, whereon Don Juan Francisco de la Torre was passenger.

March 30, 1741. Don Sebastian Aragon y Caño and Don Juan Francisco de la Torre protest Mr. Labat's ownership of the vessel St. Louis, which everybody knows belongs to Mr. Pery. Plaintiffs refuse to recognize Mr. Labat in this connection and would have him nonsuited. He may look to Mr. Pery for any alleged loss, latter being primary cause of the delay all around.

April 5. Conclusions of the Attorney General in case of Arragon y Caño and de la Torre vs. Mr. Pery.

Plaintiff nonsuited. Costs on Pery.

Council's Decision: De la Torre vs. Pery, 50 livres allowed for soldier who came expressly from the Balize.

Signed: Salmon, Descloseaux, Fazende.

March 28.
2 pp.
Suit for debt.

Mr. Gerard Pery as Attorney for Mr. Cezard and Alexandre Vincennes, at Nismes, by powers dated Dec. 19, 1739, moves to collect a debt of 1544 livres owed to said parties by Ferchaud estate.

Notice served on D'Ausseville, Attorney of Vacant Estates.

Mar. 28, 1741. **Letter of Guinot to Rasteau** (La Rochelle), Apprising Mr. Rasteau of the death of Mr. Mirande, G. was not only his creditor but also his sole legatee. Mr. Rasteau will please to remit the "little funds" which he holds, payable to Mr. Please; also remit to Mr. Arbuchet, G's partner. Remit either by draft or in good indigo, or other merchandise. A former lot of indigo to Mr. M. proved wanting alike in quality and in weight.

Letter from
La Rochelle
to Rasteau.

April 1.
2 pp.

Letter of
Itier to Rasteau.

Takes opportunity to write and forward by Captain Prevost who will deliver to him a keg of lemon juice. R. will do well to ship a lot of lumber now in active demand. Planks bring 45 sous to four livres apiece. Tar is worth 45 to 50 livres a barrel, tallow 120 livres to 130 livres per cwt. Brisk market for tallow in France now that Irish supply stops. Quotations on raw sugar 22 sous per lb.; white sugar 44 to 45 livres a barrel; butter and candles, 30 sous per lb.

April 2.
2 pp.

Letter from
Capt. Francois,
Santo Domingo,
to Mr. Rasteau
by Paul Moreau
and Widow
Coquelin.

They speak of signs of war, but contradictory rumors. Monsieur Dantin and Squadron sailed for France, dearth of provisions; wine has risen to 500 livres a cask and is now 250 livres, flour 90 to 100 livres.

April 4.
2 pp.

Answer to
appeal from
Illinois, (Fort
Chartres).

Captain of Militia, Louis Turpin, at Post of Kaskaskias, doing for estate of J. B. Turpin, he alleges that his nephew and Louis Metivin and his wife Marie Fafart, maternal aunt of deceased, were first willing to plead at home, on account of costs and hazards of travel, but now have made appeal to carry their contentions before the Superior Council. Formulated in roughshod syntax by "Esquire and principal Scribe of the Marine, Louis Auguste de la Loere Flaucourt, subdelegate of Judge Salmon."

(See appeal Jan. 17.)

April 5, 1741.
1½ pp.

Further
proceedings
in Boissiere vs.
Bienvenu.
See La. Hist.
Qy. April, 1927,
Vol. 10, pp 275
et seq.

Petition to Superior Council by Marin Lenormand, holding procuration of Louis Boissiere, repeating the complaint that one Bienvenu, for not having followed the orders of Governor Bienville, occasioned the massacre of his followers and loss of goods of said Boissiere when he escaped from the savages. Complaint was made on the 8th of last April and permit granted to cite Bienvenu, notice being served on him at domicile of the Procureur General. Inquiry made on 23d of same month and as the time prescribed has elapsed the affair is ready for decision. Since then a decree has been rendered sentencing Boissiere to pay an indemnity of 1000 livres to Rondeau of Pointe Coupée for a negro hired to him who was taken with Boissiere by the Chickassaws. Is it not just that Boissiere who lost all his goods through Bienvenue's fault should be indemnified by said Bienvenu.

The original is signed: Lenormand and below his signature is Judge Salmon's order to cite Bienvenu.

April 15.

Petition for Access to Records. Mr. Jahan being designated as Attorney for Bienvenu in Boissiere case, asks for access to proceedings in case. Judge Salmon authorizes the Court Recorder to furnish copy of desired data.

See further May 25.

April 15.
5 pp.

Letter from
Paris concern-
ing Dumanoir's
controversy
with his
principals in
the St. Cath-
arine concession.

Letter written in Paris, France, signed: St. Port, Coetlogon, Le Chancelier, Millon, Deucher, stating that an agreement has at last been reached with Mr. Dumanoir's procureur. Until effecting this transaction there was no communication to make. On the 8th of last March this agreement was made by which they sacrifice their interest for peace, and abandon all that is left of their plantations, negroes and effects, and on his side he foregoes all his chimerical pretensions, but "it is better to lose than to plead."

Under this transaction there remains, in this Colony, only to lay hold of the papers which Dumanoir must remit, and of those in the Registry or elsewhere concerning their plantations. For this purpose procuration in blank

1741. is sent to their correspondent, so that if he does not himself furnish the discharge he may insert the name of an absolutely reliable person and he is requested after securing the papers to pack them so that they are safe from water and send them to address of Mr. Grassin, "one of us," by the first vessel of the King, leaving New Orleans directly for France.

Papers to be obtained are of various kinds:

1. Account of Dumanoir and vouchers of said account, which were deposited in Registry of Superior Council, Dec. 1, 1728.
2. Papers which were at Mr. Dumanoir's when seals were affixed there and inventory made, on the 7th, 8th and 9th of April, 1727.
3. The papers "Mr. Rossart" may have placed in your office with the intention of Rossart's not remaining in possession of them in the event of his commission being revoked.
4. Our papers must have been found at Mr. Rossart's on raising the seals affixed after his decease and there must have been a great many owing to his administration of "our affairs, as he withdrew many at death of Mr. de Mandeville, who also had the direction of these affairs. Mr. Rossart wrote to us that after the death of Kolly he had found many papers which he was careful to withdraw.
5. Supposing that Mr. Rossart had neglected to secure all these papers at decease of Mr. de Mandeville and Kolly, they should be found with the guardians appointed when inventories were taken.
6. Finally Sir, papers belonging to us may be found elsewhere and in this case, you are requested to withdraw them. Our affairs in Louisiana were withheld there with so little notice to us we are often obliged to conjecture when speaking of them. Thanks for attention etc. Signed: St. Port, Coetlogon, G. Le Chancelier, Milon, Deucher.

Document in good condition and well written though a little stained. Summary almost verbatim.

April 17, 1741. **Advising creditors'** attorney, Mr. Pierre Durreau Slip.

Court Notice
from Bordeaux.

(13761)

that Marie Peyraud, Widow Ferchaud, will prosecute her cause on the morrow and subsequent days of the week. Torn and worn.

April 17, 1741. Marie Peyraud, Widow of Late Jean Ferchaud, elected tutrix of her eight children. There follows inventory of household goods found in Ferchaud's domicile after his decease. Valuation 400 livres.

(14611)

March 15, 1740. Inclosed in preceding document:

Appointment of Marie Peyraud as tutrix of their children.

Inventory of effects. Comptrolled at Bordeaux April 15, 1741. Signed: Cassaigne.

April 18.
8 pp.

Account of
the estate of
the Widow of
Jacques de
la Chase.

Submitted by Estienne de la Lande Dalcour, surviving widower of late Dame Marie Marguerite Cailly, widow of Jacques de la Chaise. Explanatory preamble. Balance due by account 1413 livres, 13 sols, which sum he reserves on account of his own expectancy.

Petition for meeting of heirs to approve account presented by Mr. de la Lande Dalcour, since he is about to leave for France and would like to have the business closed before his departure. Judge Salmon orders meeting of the heirs in the presence of Attorney General of the King.

April 22.

Order for
meeting of
heirs to
consider
account and
approval of
same by them.

April 24, 1741. Reversible note by Pradel on behalf of himself and heirs consenting to confirmation of account as it stands.

April 19.
1 p.

Judgment in
the Gauvain
murder case.

Procureur General's conclusions against J. B. Gauvin. Case of assault on L'Essart (Jean Baptiste Cocehn de Lessart) who died from wounds received at the hands of defendant. The Procureur finds Gauvain guilty of murder; and recommends a capital sentence by hanging in effigy since Gauvain has disappeared. His goods to be confiscated.

Decision by Council (following conclusions of Procureur Général) except that Council renders sentence literally "until death ensue" without commuting this penalty in effigy.

Signed: Salmon, Bobe Descloseaux, Raguet, Louboey, Lafrenier.

April 20, 1741. **Francois Songy**, alias La France, brings action against La Roux and La Thiolais in breach of contract. Le Roux was to make a trip to Illinois and return to New Orleans for Songy's client, Baudoin of Illinois. Baudoin paid his board in advance and some cash, but Le Roux skipped his agreement and worked for other hire. La Thiolais is implicated for taking Le Roux on board Mr. Daussant's boat after contrary understanding. Total claims 275 livres, 14 sols and also 300 livres.

Complaint of
broken
contract.

April 22.
2 pp.
Decision.

Le Roux being insolvent La Thiolais shall pay sum advanced, 127 livres, 14 sols, but he may have recourse on Le Roux. Costs on defendant L. T.

Signed: Salmon.

April 25.
1 p.
(4148)
Request
for certificate.

Jean Baptiste de Chavannes asks for a warrant that shall enable him to draw a certain annuity which has been assured to him on the Clergy.

April 26.
1 p.

Suit against
surviving
husband to
make him liable
for debts of his
wife on the
ground he has
absorbed her
estate.

Claim of 297 $\frac{1}{4}$ livres by Joseph Assailly, merchant of this town, from Mr. Dalcour on goods furnished to the late Mrs. Dalcour. He says Mr. Dalcour contends that he has dispossessed himself of Madame's estate assets, but plaintiff insists that the goods of Mr. D. must be used to discharge the debt. Discharge to A.

April 27, 1741. Another petition by Joseph Assailly to Superior Council for recovery of sum due by Mr. Dalcour on bill made by late Mrs. Dalcour, which he has claimed several times. The sum is 297 livres, 5 sols, which Mr. Dalcour may pay and claim from the Greffier, who has funds of said estate in his possession.

April 26, 1742. Permit to cite signed by Salmon.

Date 1742 in text is evidently an error as the notice of citation is dated 1741.

April 26, 1741. Notice of citation to appear before Council on the following Saturday, served on Mr. Dalcour by Sheriff Lenormand.

Account of Madame Dalcour running from 1738 to 1740, presented to M. Dalcour by Joseph Assailly.

April 27, 1741. **Mr. Jean Francois Palis**, creditors' assignee for 1 p.

Composition
proceedings
for adjustment
of debts due
by estate.

collection from Ferchaud estate, agrees with Widow Ferchaud that avails of the estate shall be divided between herself and mercantile creditors in ratio of 4 to 5. That is Madame shall receive 80% and the said creditors 20%.

Long list of creditors. Accounts to be settled by instalments within a term of six years.

April 28.
3 pp.

A report of
the disappearance
of Turpin's
wife afterwards
repudiated by
the author of
the report.

Michel Vien reports the disappearance of the wife of Jean Baptiste Turpin, as reported to him by Dame Catherine Mallet while she was in Detroit. She left him twice, the first time to take up with an Outaoua mate named Pintaloir and the second time with a Huron. After that no further word from Madame T.

This from town of Cavves in Parish of Immaculate Conception. (This was in Kaskaskias.)

May 2, 1741. Repudiation of above declaration by Michel Vien, settler at Fort Chartres, which he is said to have signed concerning Jean Turpin's wife. He was in drink and surprised.

April 29.
1 p.

Memorandum
of account.

Expenses incurred by Ducongé at St. Louis Keys while ship was anchored at Chareau. Sum total 69 livres. Certified as correct Nov. 21, 1741.

April 29.
1½ pp.

Decisions of Superior Council in Sundry Suits:

1. Dalcour vs. Pradel: Account confirmed.
2. Cave vs. Dalcour: C's claim allowed, (70 livres).
3. Assailly vs. Dalcour: For A. 297 livres, 5 sols.
4. Piemont ——. For P.: 200 livres, 15 sols.

May 3.

Statement by
Louis Turpin
seeking confirmation
of judgment
appealed from.
See beginning
of appeal Jan.
17 and April 4
of this instalment.

Account of Turpin case in Illinois Courts:

Louis Turpin purporting to be heir to his nephew, late J. B. Turpin, pleads confirmation of ruling in his favor by subdelegate Judge de la Loere of Illinois District; wherein Metivin and his wife have appealed against him. Case related at length. Metivin's claim was based on the feminine side and it is urged that by forsaking her husband Mrs. J. B. T. senior forfeited all the rights of a wife.

June 1, 1741. Notice to Louis Turpin of Fort Chartres to appear at New Orleans in suit with Metivin. Torn.

May 3, 1741. **J. B. Piemont** complains of a certain cargo of tar exported from Mobile to France. Tar proved both watery and short in amount. Let Mr. Delalande, accountable principle, be cited to pay deficit.

3 pp.
Suit for shortage in shipment of tar and for deficiency in quality.

May 5. **Darensbourg vs. Prevost.** Company's Agent Mr. Prevost shall allow Mr. D. the credit of 2750 livres at which certain damages are estimated. Plaintiff nonsuited in other claims. Costs divided.

3 pp.
Decision of Superior Council.

May 5. **St. Denis, de La Freniere,** Widow Delery and Sieur De Mouy, husband of Widow Beaulieu, vs. Prevost, Agent of Company of Indies. Suit based on losses incurred about 25 years ago in a miscarried expedition of trade and exploration up the river of the North at the instance of Governor de la Motte Cadillac. On account of objections to further business relations with Spaniards of New Mexico. Party pushed 100 leagues above Nachitoches among the Assinays whose provisions ran short. At the village of the Indians, goods of inconvenient bulk were left behind, and party continued another 120 leagues upwards and was attacked by savages named Appalaches. The Spaniards confiscated remainder of goods; Mr. St. Denis went to expostulate with Vice-Roy of Mexico but was seized as a Spy and put in a dungeon. With great hardship the rest of the party conveyed goods from Assinays Village to Nachitoches. Company first made no allowance for unavoidable accidents and losses, but in review of the case now, Council grants each member of the party credit for 8000 livres or total credit of 32000 livres. On the other hand the four plaintiffs shall pay the balance debit of their mercantile account, which settlement Mr. de St. Denis is to regulate within three months. Costs divided.

Judicial settlement of St. Denis' losses in Mexico expedition under Governor La Mothe Cadillac.

Original outfit of goods was valued at 79214 livres, besides party's capital 20,000 livres.

Good script, a few ragged perforations.

It is evidently a copy. It is headed: Excerpts from Registers of Sessions of Commissaries of the King and assistant to settle the affairs of the Company of the Indies and its debts on May 5, 1741.

- May 5, 1741. **Following petition** from Royal physician Jean Prat for admission to the Council Judge Salmon refers the matter to the Procureur Général who suggests the usual inquiry on life and morals, Judge Salmon so directs. Witnesses Ignace Broutin, Royal Engineer, and Claude Joseph Du Breuil Villars testify to Dr. Prat's exemplary christian practice and living. Referred again to the Attorney General, who ratifies the result and orders reception of Dr. Prat after customary oath. Commission was dated Oct. 5, 1740.
- Commission of induction of Dr. Jean Prat as a member of the Superior Council.
- May 7. **Mr. Jahan** sues Herbert of Pointe Coupée for breach of agreement in regard to some bear's grease and tobacco which he was to furnish.
- Suit over breach of contract.
- May 9, 1741. Decision by Salmon that Herbert shall deliver what grease and tobacco he has now in his possession. Bargain otherwise cancelled. Costs divided.
- May 8. **Joseph Herbert** settler at Pointe Coupée, bought of Etienne a savagess named Lisette. Let De-cuir be required to turn over Lisette and the infant born of her since the sale. Costs divided.
- Suit to enforce contract of sale of slaves.
- May 25. **Petition to Superior Council** by Marin Lenormand, acting under procuration of Louis Boissière, stating that on April 5, he had exposed to the Governor and to the Commandant at Pointe Coupée the cause of the massacre of several Frenchmen and loss of all the goods of said Boissière, owing to disobedience of one Bienvenu, and his demand that final judgment be rendered.
- Further proceedings in suit of Boissière. See entry of April 5, this installment.
- He requests immediate answer from Jahan, acting for Bienvenu. Signed: Lenormand.
- Order served on Jahan to answer within three days.
- Signed: Salmon.
- Jahan acknowledges receipt of said order for delay and stating that Bienvenu intends to answer thereon.
- (See further June 3.)
- June 1. **Mutilated document.**
- Slip. Receipt signed by D'Auseville.

June 2, 1741. **Delle Marie Peyraud**, Widow of Jean Ferchaud who died in the "island of New Orleans," to Sr. Pery, for collecting estate avails. Authenticity of act attested by Francois Dalbessard, Councillor of the King, President of Presidial Tribunal, Lieutenant of the General Bench in Guienne and Doctor in the University of Bordeaux.

Procuration from Bordeaux to settle Ferchaud succession.

June 3. **Complaint** of delay in deciding case. Mr. Marin Lenormand, attorney for Louis Boissière, remonstrates on account of Mr. Jahan's delays. May it please the Council to decide the case forthwith and put costs on defendant.
(See entry May 25 and entry No. 6 below.)

Boissiere complains against the delay in his case.

June 3.

Decisions of Superior Council in sundry cases.

1. Dr. Prat's oath received and he is duly installed.
2. Herbert vs. Decuir. For Decuir to cede slave or else settle in cash.
3. Pery vs. Ferchaud estate. P. to line up with creditors.
4. Piemont vs. Delalande. Adjourned.
5. Lenormand vs. Jahan. Wait for Illinois train.
6. Marie Therese Trudeau, widow of de la Buissonniere: deed of gift confirmed.
7. J. B. Trudeau: deed of gift confirmed.
8. Jacques Chauvin: ditto.
9. Jean Philippe Grondel: ditto.
10. Sieur D. —: —.
11. Jacques Lorraine, alias Tarascon: —.
12. Jean Cantillon: —.
13. Barthelmy Fifre: —.
14. Dame Laurence Le Blanc, Widow of St. Agnet. Compromise confirmed between her, Nicolas Chauvin and Antoine Chauvin Delery des Islets.

Signed: Salmon, Louboey, Lafreniere, Raguet, Noyan, Bobé Descloseaux.

June 9.

Suit to enforce delivery of bear's grease or pay damages.

Nicolas Adam, alias Blondin, bought of one Le Clerc, alias Belhumeur, settler at Pointe Coupée, 600 jars of bear's grease at 25 sols a jug. In default of delivery Nicolas would have defendant either supply the grease or be accountable for bill if bought from other dealers.

June 17, 1741. **Gauvin** certifies that Mr. De Mayer on the ship La Chevaliere of Martinique delivered a cask of wine to him at La Balize. Wine was paid by a sum of 165 livres and was to be transferred to the officers of the Triton of La Rochelle. Judge Salmon will please furnish Mr. De Mayer draft for said sum.

Request to
Ordonnateur
for draft
to pay for
merchandise.

June 19. **Sale of** nineteen negroes, negresses and children to Delle Dupart by Widow de Livilliers, payable in two terms, for total sum of 21500 livres. First payment on arrival of the King's ship and the second in 1743. As some of the slaves are leased for the full years, it is agreed that Mr. Dupart will receive payment of their wages.

(25444)

Duplicate
copy.

(25442)

1 p.

Sale of
nineteen slaves
for 21500
livres.

(25445)

Signed: petit de Livilliers. Dlle Dupar.

Jan. 1, 1744. Receipt to Mr. Dupart for full payment of aforementioned slaves.

Signed. pontalba.

June 22.

3 pp.

(25446)

Suit to recover
debts due
Ferchaud and
Aubert
succession.

The Procureur for Vacant Estates, sues upon an itemized account to recover from Sr. Petit, innkeeper, debts due since 1735. He asks that his goods be seized and that he be cited before the Council.

Some of the debts are due to Ferchaud and Aubert successions.

Signed: D'Ausseville.

June 22, 1741. Permit to cite signed Salmon.

June 26, 1741. Notice of citation served on Sieur Petit at his domicile by Sheriff Lenormand.

June 26, 1741. Notice of seizure following petition of Sr. D'Ausseville, Procureur of Vacant Estates, served on Sr. Petit at his domicile by Sheriff Lenormand.

June 26.

D. 41¹⁰⁹

Suit in
Superior
Council for
debt.

Du Tertre prays for citation of Michel Fitz Gerald to compel him to pay the sum of 103 livres, 13 sols, 6 deniers, due since May, 1737.

Permit to cite signed: Salmon.

June 26, 1741. Notice of citation served on Sr. Fitzgerald by Sheriff Lenormand.

June 30, 1741. **Petition to Superior Council** by Sr. Raymond Amvaut D'Ausseville for execution of decree of August 17, 1737.
Petition for execution to issue on judgment rendered in 1737.
Notice of citation served on Jean Baptiste Leonard at domicile of Procureur General.

June 30. **Petition to Superior Council** for citation of one Tarascon for payment of debt.
Suit for debt.
Permit to cite, signed: Salmon.
July 3, 1741. Notice of citation served on Sr. Tarascon at his domicile by Sheriff Lenormand.

June 30. **Petition to Superior Council** by Gatien Bredit for value of six demijohns of wine and 20 baskets of liquor and 2 anchors of vinegar from Sr. Prevost, Commander of the Triton.
Suit for value of wine, liquor and vinegar.
Permit to cite signed: Salmon.
July 1, 1741. Notice served on Sr. Prevost to appear before Mr. Salmon at next session of Council.
Signed: Lenormand.

June 30. **Petition to Superior Council** by Barthelmy Bimont for citation of Mr. de la Pomeraye for recovery of 500 livres due to him since past year.
Suit for money loaned.
Permit to cite signed: Salmon.
June 30, 1741. Notice served on de la P. by Lenormand.

June 30. **Petition to Superior Council** by Francois Jahan, holding procuration of Sr. de Marsilly, claiming a note due by Harang succession, for sum of 1200 livres.
Suit upon a note.
Signed: Jahan.
Permit to cite signed: Salmon.
June 30, 1741. Notice of citation on Attorney D'Auseville at his domicile, to appear before Council, to answer on above petition.
Signed: Lenormand.

(To be Continued.)

INDEX TO THE SPANISH JUDICIAL RECORDS OF
LOUISIANA
XIX.

(Continued from July, 1927)

July - December, 1774.

By LAURA L. PORTEOUS

1774—July 22.

**Francisco Maria de Reggio
vs. Philip de Mandeville.**

No. 3801. 54 pp.

Court of Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Juan B. Garic.

Suit for damages for trespass
upon the cypress timber of plain-
tiff, which was cut down and re-
moved by defendant.

Case compromised.

De Reggio complains that de-
fendant, his immediate neighbor,
has done him great injury by put-
ting his negroes to work on the
former's plantation cutting
down cypress trees into different
lengths.

He asks that two intelligent
persons be ordered to examine
the timber felled in the woods
where they will find about two
hundred trees have been cut
down. The greater part of this

wood has been taken away by the road made expressly in
the interior of the forest that borders on the plantation canal.
De Mandeville has left there about 80 pieces of the wood
hewn.

Plaintiff further asks that testimony be taken from wit-
nesses he will present who will depose according to the tenor
of this petition, and at the same time to stipulate what number
of pieces two hundred trees should produce, and also that the
felling was made on lands belonging to plaintiff's plantation.
The taking of this information to be entrusted to the Assessor.

The first witness was Julian Le Sassier who testified that
on request he went to examine and make certain the damage
that Philippe de Mandeville had done to plaintiff's cypress
forest by cutting down the trees. He entered the woods by
the canal at a distance of about 50 arpents from the banks of
the river and at this depth he saw two hundred cypress trees
cut down. Most of them had been carried off but there re-
mained about eighty pieces hewn.

The second witness, Vincent de Morand, said that on re-
quest he went to plaintiff's plantation to examine the felling
of trees that had been made in the depths of the woods by
Philippe de Mandeville, de Reggio's immediate neighbor. He
declares that he saw in part of the forest where two hundred
cypress trees had been cut and about 60 pieces hewn that had
not been taken away. He knows that it was Mr. de Mandeville
who cut down the trees because he had seen a letter writ-

ten by him in which he said he would remove the negroes from the woods. The said trees should produce 400 pieces of wood and any of the small ones 200 pieces. Those he saw should produce 200 pieces of 7 to 8 inches wide.

Upon the face of this testimony plaintiff now further alleges that de Mandeville cut down two hundred cypress trees on his plantation which should have produced 400 pieces of hewn timber and the rest of various lengths, and prays that the defendant be ordered to pay him 1000 pesos, the value of the timber.

De Mandeville answers that it has never been his intention to work on de Reggio's land and that he had never known up until today that the plaintiff held possession of the land at the back of his plantation. The felling that was done by his negroes was at about 70 arpents deep and he thought he was working on common land.

If de Reggio has any title to a concession of more than a depth of 40 arpents he should produce it so as to make his ownership appear to the land upon which the cutting was made and if it is really his then he will be prompt to pay in conformity to what it will be appraised by experts appointed to this effect.

He asks that the plaintiff be ordered to produce his titles to the land and further prays a survey be ordered to be made in the presence of the two attorneys, of the dividing lines of the two plantations back as far as the cutting and also that the depth of de Reggio's concession be marked.

De Reggio is notified but objects to a survey as he holds sufficient proof that the land belongs to him up to and beyond the cutting.

Unzaga on Odoardo's advice orders the case to go on trial, but before the time has elapsed for the publication of the proofs the two litigants enter into a compromise to avoid costs.

De Mandeville acknowledges the timber was cut from de Reggio's land and obligates himself to pay for it. de Reggio acknowledges the debt paid and himself satisfied and asks to have the suit declared null and cancelled and for the Court to interpose its authority and judicial decree. Both ask that costs be taxed and all documents presented in the case be returned to them. (Signed) *Franco M^a de Reggio*.—*De Mandeville*.

The Court rules that with the consent of both parties, who have compromised in the form they have stipulated, His Lordship for the greater stability of the said transaction interposed and did interpose his authority and judicial decree and in its consequence he condemned and did condemn them to abide by it and he declared as he must declare this suit as null and cancelled and he orders that each one of the parties be returned the documents that were presented and that the

costs be taxed by each one of them for his share with an inclusion of 20 reales Assessor's fees for this ruling. Costs taxed at 56 pesos, 4 reales.

July 22.

Salomon Prevost as assignee of the rights of the Company of the Indies, vs. the heirs of the deceased Gerardo Pellerin.

No. 3794. From p. 57 to 194. Court of Governor Unzaga. Assessor, Cecilio Odoardo. Escribano, Juan B. Garic.

This is a continuation of the suit begun February 26th and renewed on March 14, 1774. See Quarterly, April, 1927, pp. 299-302.

The persistent plaintiff here at last succeeds in bringing the defendants "to trial on the merits" of the claim. Before a decision is reached, an arrangement is made whereby the defendants surrender real and personal property in settlement.

The procedure is quite interesting, particularly the method of putting plaintiff in possession of the surrendered property.

This is the first recovery made by the plaintiff as successor in title to J. B. Prevost, Agent of the Company of the Indies, the inventory of whose estate was printed in the Quarterly for July, 1926. This debt had been incurred nearly forty years before it is here collected and the affair is a good illustration of the losses sustained by the Company of the Indies in financing the planters of Louisiana at the beginning of our Colonial existence.

persuaded that they now belong to the Company of the Indies.

They pray that Prevost's suit be excluded and the previous decree be revoked. The case is ordered to go on trial.

This is followed by a publication of Salomon Prevost's proofs against the Luis Gerardo Pellerin succession.

Certified copy, dated November 13, 1764, of the inventory and valuation of the estate of Luis Gerardo Pellerin made at the time of his death.

This suit is probably a continuation of the one entered March 14, 1774, Salomon Prevost vs. the Membrede Succession, 46 pages. This record begins with page 57 when the plaintiff presents the instrument upon which he bases his claim (not in this folio) and asks the debt be ordered paid.

Bartolome Macarty (a son-in-law) and Luis Pellerin, a son of the deceased Luis Gerardo Pellerin, oppose the claim, saying that Prevost has not presented any note of obligation signed by their late father to prove the right of his demand, which they ask to have excluded.

This debt is imaginary and without foundation. No one has presented a request for this money for 37 years notwithstanding the fact that Juan B. Prevost, Agent of the Company, always lived in the city up to the time of his death and never tried to collect this claim.

A debtor does not owe more than his signature acknowledges, and Salomon Prevost has none to show nor has he the power to make an inventory of their property which has caused them very great injury by inciting disorder and insubordination among their slaves, who do not wish to work for, nor obey them, having been

Certified copy of an opposition made by (Mr. Juan B.) Prevost to the sale of some of her lands by Mrs. Membrede, dated December 26, 1764.

Interrogatories, to be answered by Gerardo Pellerin and by Bartolome de Macarty.

A decision by the Superior Council in the suit of Caue or Decaux vs. Pellerin (Mrs. de Membrede widow of), dated June 1, 1748, condemning the Pellerin succession to pay 5000 livres and costs.

Eight pages, folio size, taken from the ledgers of the Company of the Indies and marked "Resultat de la Ballance Generale du compt du Sr. Pellerin garde Magasin de la Compagnie des Indes a la Nouv^{lle} Orleans depuis le 1^{er} Juin 1726 jusques et compris le d^{er} X^bre 1731." (Result of the General Balance of accounts of Mr. Pellerin, Keeper of the Store of the Company of the Indies at New Orleans from the 1st of June, 1726, up to and including the last of December, 1731.) The balance shows an indebtedness of 133,736 livres, 5 sols, 5 deniers.

Plaintiff asks for a comparison of the signatures placed at the end of the document, dated March 22, 1748, by the escribano with those he has in his Archives, and to certify to their identity so that he may file this certification with his proofs.

Juan B. Garic testifies that the names signed to the document are the true signatures of Mr. Le Normant (d), late Intendant General of this Province, commissioned for the settlement of the accounts of the Company of the Indies, and of Mr. Dubreuil, expert named to adjust Mr. De Caue's accounts, empowered by the late Gerardo Pellerin's heirs for the repetition of the said accounts and of Mr. de Membrede, husband of the widow of the deceased Pellerin.

At the end of this identification of signatures Garic has written and paraphed: "Rights to taxation with the investigation."

This is followed by the proofs of Messrs. Macarty and Pellerin against Salomon Prevost. Their attorney, Francisco Broutin, presents a series of questions to be answered, respectively by Salomon Prevost and the three Counsellors under the French regime, Charles Marie de Lalande Dapremont, Louis Piot de Launay, Adrien de la Place. The two last named answer, the first being too ill to come to the Court, a petition is granted to have the Escribano go to his house to take his deposition. Garic testifies that he went to Mr. Dapremont's house to take his declaration but found him ill in bed and not in his sound mind, so it was impossible to question him.

Another set of questions are given to be put to Pedro Enrique Derneville, Joseph Duplessy and Mr. Frant. These

witnesses know little or nothing about the case. These proofs are now sent to the opposition to be alleged as well proven.

The questions to and answers of Prevost, Piot de Launay and de la Place, are a contribution to a minor phase of the French Colonial history of Louisiana. They are as follows:

I. Interrogatorio by the tenor of which Don Salomon Prevost has to be examined as encharged with the affairs of the Company (of the Indies) which Don Bartolome Marcarty and Luis Pellerin claim to be of value to them in the proceedings that the said Prevost prosecutes against the succession of the deceased Luis Gerardo Pellerin for a collection of pesos.

1. Q. Firstly let him declare how many directors there were in the Company of the Indies, and what were their names?
A. He referred them to the documents that he has presented.
2. Q. Item let him declare if he has in his possession the "Privilegios" the franchises that His Most Christian Majesty conceded to the said directors?
A. He said he thought that in a manner the Company of the Indies represented what was then supreme power in this Province.
3. Q. Item let him declare if he has in his possession any obligation, note, contract, sale or account signed by the deceased Gerardo Pellerin belonging to the said Company.
A. He says that this question will be seen at the end of the proofs.
4. Q. If it is true that Don Juan Baptista Prevost, his uncle, has never formed any demand against the succession of the said Gerardo Pellerin?
A. He referred them to the foregoing.

(Signed) Salomon Prevost.

II. Interrogatory by the tenor of which Carlos Maria De Lalande D'apremont, Luis Piot de Launay and Adrien De la Place have to be examined which Don Bartolome Macarty and Luis Pellerin claim to be of value to them in the proceedings prosecuted against them by Salomon Prevost as encharged by the Company of the Indies for a collection of pesos.

1. Q. Firstly let them declare how many years they were members of the French Council, a little more or less, and from what year did they begin to preside in the said Council.
A. Mr. de la Place. answered that for twelve years he was a member of the Superior Council, late of this Province. Luis Piot de Launay answers, that he received his title of counsellor in the year one thousand seven hundred and sixty two and that he occupied his place there until the Council was abolished.

2. Q. Item let them declare if it is true that in this interval that they were counsellors they have not seen any demand presented against the succession of the deceased Gerardo Pellerin by Juan Baptista Prevost, Agent of the Company.
 - A. De la Place says that he had never seen anything in the name of Juan B. Prevost presented before the said Council against the Gerardo Pellerin succession, but it is well and generally know that Prevost opposed the public sale of some lands that the widow of Pellerin wished to sell, and in like manner to the transaction that the heirs of the said Pellerin have made as creditors. That Prevost was then acting as Agent for the Company of the Indies.
 - A. Louis Piot de Launay answers, he does not remember that some petitions may have been presented against the Luis Gerardo Pellerin succession, if this was so it ought to appear by the decrees that have resulted. All he recollects is that the widow of the deceased Pellerin having wished to sell various houses and lots belonging to the said inheritance, Juan B. Prevost made judicial opposition against the said sales so as not to prejudice the rights of the said Company.
3. Q. Item if it is true that Prevost has said to them that the Pellerin succession did not owe anything to the Company.
 - A. De la Place. This is false.
 - A. De Launay. This is false in its contents, that Juan B. Prevost has never said what this question contains.
Messrs De la Place and de Launay each signs his own declaration.

Leonardo Mazange, attorney for Salomon Prevost sums up the case in a written argument. He begins by making a demand on the Pellerin succession for 22,552 pesos, 4 reales, as the amount of the deceased's indebtedness to the Company of the Indies. After reviewing the testimony given by both sides he asks for a definitive sentence and a conclusion of the suit.

His argument is answered by Francisco Broutin, attorney for the Pellerin heirs, who contests the demand, basing his opposition mainly on the fact that the late Mr. Pellerin's signature does not appear anywhere acknowledging the indebtedness. He contends that the protest made by Juan B. Prevost, Agent of the Company of the Indies, December 26, 1764, to a sale of a part of the deceased Mr. Pellerin's property, was not authorized by the Council nor were any of the coheirs notified of it, therefore the said protest is without form and is null in conformity with the law, which he quotes in full.

He urges that the official inventory of the Gerardo Pellerin estate was made April 12, 1737 in the presence of Francisca Ruellan, mother and tutrix of the heirs, Don Claudio Joseph

Villars Dubreuil, special tutor, Don Luis Joseph Beroton, sub-delegate of Mr. De Salmon, Intendant, and of the Procureur General of the King and of Juan B. Prevost, Agent of the Company of the Indies. Why then at the conclusion of the said inventories did the last named not ask a provisional seizure of the property in the widow's hands until his account was adjusted as is permitted by law and so prevent a sale and partition of the said property.

Another inventory was made of all the papers on November 21, 1764, which was before the protest to the sale and more than 26 years after the account (Result of the General Balance, page 97) was adjusted and presented, why then did not J. B. Prevost form his demand judicially in virtue of this statement of accounts. It can not be said that he did not know of it as the inventory was made in accordance with a decree of Mr. Dabbadie, Director General, Commander of this Province, First Judge of the Council, in the presence of Luis Piot de Launay, Counsellor and Commissioner named therein and also the substitute for the Procureur General of the King, acting for the interested and absent parties.

Another judicial inventory was made November 13, 1764, which was before the said protest, at Mr. Pellerin's plantation, of all the estate left at his death without any opposition or demand having been made by Mr. Prevost notwithstanding his account had been presented more than 26 years before. Ignorance can not be pleaded of this inventory either because it was made in virtue of a decree.

The partition of the estate was made December 6, 1764, which was also before the protest. This partition was made 26 years after the accounts were presented without any objections or demands from J. B. Prevost. Ignorance can not be pleaded here either, as it was authorized by the Council.

He further says that Prevost claims that the debt to the Company must be paid in equal parts according to the shares that each one of the heirs have received from the succession and for which debts the lands and plantations are especially mortgaged without their owners having power to sell nor alienate them. This claim is without foundation unless it is proved there is a debt to the Company. This should be made clear by an obligation or acknowledged note that would be valid and not prescribed. If this is established his clients will obligate themselves to pay it.

If they were really debtors to the Company its agent should not have allowed 37 years to pass, which is 27 years more than required for prescription, without taking some proceeding to collect, yet J. B. Prevost was always in the Colony up to his death (July, 1769) and never took action. The account presented on page 97 (General Balance) is without form and is prescribed by law and should have no place nor force in this suit.

The heirs have enjoyed their property in good faith and without interruption for 37 years. Their father died in 1737 and from this time until March 22, 1748 when the account of the General Balance was drawn up, eleven years had passed, then there was another space of sixteen years when the protest was made December 26, 1764, which was written in the Escribano's office and not authorized by any Judge, nor were the heirs notified of it.

This last act of protest was secret for ten years and sixteen years elapsed, seven more than required for prescription, between the drawing up of the statement of accounts and the making of the protest yet J. B. Prevost instituted no lawsuit against their mother nor them. They have never recognized the Company as their legitimate creditor, because during that whole time the Company has never presented an obligation nor a note not prescribed.

The account presented (the General Balance) does not form an obligation nor a note, nor is it signed by their mother who was their tutrix. Mr. Membrede's signature at the end of the document does not amount to anything because he was always a stranger to them and was never their tutor nor curator. The other signatures to the account are described as of no consequence either and the signees were not in any way authorized to act. (A mention is made of the fact that Mr. Membrede went to France because of some altercation he had with Mr. de Kerlerec and not because of debts with the Company of the Indies.)

In this Colony there are many examples of notes and obligations which have become prescribed, the owners and makers of which have been excluded of their demands and condemned to pay costs. How much more then should this be the case with an account drawn up without legal form, without signatures of any of the co-heirs with sixteen years more than necessary for prescription.

His clients have proven well that the said Company never held any mortgage on the property of their father's succession and he quotes the law of prescription which reads: "Whereas: the third possessor in good faith does not need more than ten years for those present and twenty for those absent in order to prescribe the action of mortgage," and they have twenty-six years of prescription.

As to what Salomon Prevost says that the Company has been sovereign in the Colony and enjoyed all the privileges of His most Christian Majesty, Mr. Broutin says: This is very false, it was never sovereign because justice has always been administered in the name of His said Majesty as appears from all the decrees of the Council and the King always named all the officials, Military, Civil and for the Royal Treasury when they were needed in this Colony. All Edicts were issued in the King's name as well as the Black Code of the month of

March of the year 1724. The said Company had nothing more than the exclusive rights to the commerce of this Colony and His Majesty never transferred any other privileges than those that favor his commerce. His Majesty has not derogated the laws in his favor to the Company.

The law of prescription holds place in all its force and vigor, as they have been possessors in good faith in conformity to law of all their property without any anxiety nor interruption for 37 years and have always conserved the same property without having exchanged it. All the inventories, partitions, transactions and even the account aforesaid have been made, contracted and concluded under the dominion and Laws of France. He asks that Prevost's demand be excluded and he be condemned to pay the costs caused or to be caused by these proceedings.

After Broutin's argument the parties are cited for the definitive sentence which, however, is never rendered.

The next entry is a certified copy of an agreement dated November 15, 1774, made in the presence of Juan B. Garic, Escribano, and witnesses, between Salomon Prevost, empowered by his brother, Juan Prevost, assignee of the Company of the Indies in charge of the collections in the Province of Louisiana, for one part and Bartolome Macarty and Francisca Pellerin, consorts, and Luis Pellerin the latter's brother and co-heir with her in the late Gerardo Pellerin's estate, by which they agree to acknowledge and abide by the account rendered on March 22, 1748, which upon reducing from French Colonial money to Spanish currency, amounts to 22,552 pesos, 4 reales. There is not enough property left by Mr. Pellerin to pay this sum but to end this suit which has arrived at the point where it was to be definitively judged, in order to avoid further costs and for peace and concord they have entered into this written agreement. The Pellerin heirs give and deliver to Salomon Prevost in his capacity, as assignee, the plantation inherited from their father with the houses, edifices and the land consisting of 22 arpents front by the usual depth situated two leagues and a half from the city, lower river, and on the other side adjoined on one side by the Hipolito Amelot inheritance and on the other by Bartolome de Macarty, with all its dependencies which is the same as was left by Pellerin at his death that he had bought from Juan B. Massies.

Besides this plantation they cede another piece of real property in the city facing on the banks of the river at the corner of St. Philip, adjoined on one side by a house belonging to Mathurin Dreux and at the depth by a house belonging to one named Conan which Mr. Pellerin bought from the deceased Juan B. Raguet.

They transfer also another piece of land consisting of a house and lot 60 feet front by 120 deep situated at the corner of Chartres and Bienville, adjoined on one side by the Widow

LaCroix and on the other by Mr. Zeringue which belongs to Mrs. Pellerin, having been bought by her from Francisco Raguet.

They also turn over to Prevost the following negroes: Blery, aged 35; Maria Juana, 30; Little Adelaida, 8; Felician, 7; Henriqueta, 5; Jacobo, 2; Perina, 22, and her daughter Victoria, 2, and her little boy, Pedro, 3; Juan, 27; Carlota, 45; Dicye, 64; Laforge, 66; Marguerita, 40; Antonio, 16; Henrique, 6; Luis, 42; Pedro, 30; Juana, 55; Francisco Carlos, 22; Bonhomme, 22; Izabella, 16; Francisca, 30; Catalina, 28; Juana, 4; Bay, 60; Catalina, 28; Augustin, 10; Lorenzo, 1; Marion, 70.

They further cede 4 oxen, 6 cows, 3 bullocks, 3 swine. They also transfer all household effects, each article being mentioned by name.

To all the forementioned property Bartolome Macarty and his wife and Luis Pellerin give free possession to Salomon Prevost which belonged to them as the heirs of Gerardo Pellerin or his wife, Francisca Ruellan.

According to this agreement Salomon Prevost will pay to His Most Christian Majesty's Agent what the inheritance owes and will assume all other debts and costs for this act and that herewith this lawsuit be broken and cancelled.

Prevost presents the foregoing agreement and asks that it may have its due fulfillment, force and vigor and that for this purpose the Court may interpose its authority and judicial decree. This the Court does ordering the case dismissed and costs taxed.

Prevost then asks to be put in possession of the plantation, negroes, etc., and to order the sheriff or his deputy to give him, judicially a suitable certificate by means of which he may remain the absolute owner of the plantation, slaves, etc., so that at no time will he ever be molested by any one. Granted.

A copy of the act putting Prevost into possession is filed immediately after which is to the effect that Nicolas Fromentin, deputy sheriff, assisted by the present escribano, left the city for the late Francisca Ruellan's plantation, situated three leagues from the city, below on the other side of the river composed of 22 arpents front by 40 deep adjoined on one side by Hipolito Amelot and on the other by Bartholomy Macarty, and Salomon Prevost being there in this capacity as empowered by his brother, assisted by Don Leonardo Mazange, his attorney. Bartholomy Macarty and his wife, Francisca Pellerin and her brother, Luis Pellerin, were also there.

The sheriff took him by the hand and led him into the plantation, as he passed Prevost scattered a handful of earth that he picked up, he broke off some branches of the trees that were growing near and was then conducted to the plantation house where he opened and closed the doors. Then all the negroes mentioned in the act of settlement were delivered to him, then the live stock and after the house furnishings.

Executing all the above related, Salomon Prevost as a sign of true, real, civil and natural or the quasi-possession of the said plantation, house, negroes and effects, took what was given quietly and peacefully without contradiction from any one and the sheriff instated and did instate him so that he would not be despoiled of it.

The witnesses were Francisco Liotau, Esteban de Quiñones, and Luis Liotau. (Signed) Nicolas Fromentin, Luis Pellerin, Lenoardo Mazange, Salomon Prevost, Francoise Pellerin, Ch^v Macarty. Attested before Juan B. Garic. "Rights to Taxation." A marginal note stipulates that two days were spent to go and come in taking possession of what is referred to. To which he attests besides the provisions taken for the journey.

Costs taxed at 309 pesos, 7 reales.

After this Salomon Prevost asks to sell, at public auction, the plantation, negroes and movables comprised in the agreement entered into in this suit with his opponent.

The public calls required by law are made by the crier, Nicolas Jourdan, naming the conditions that will be stipulated in the final act of sale. Petition granted and the three calls are made.

The day of the auction is set and each slave is called by name and offered separately as well as each article of furniture mentioned in the agreement. The auction is continued until everything is sold and adjudicated, including the plantation and other real property. A second taxation of costs is made of these last proceedings on April 29, 1775, which amounts to 137 pesos, 2 reales.

Prevost then petitions, since the case is finished, to have returned to him the procurations and instruments presented in this case, and just as soon as this is done he will sign a receipt for them and pay costs which have been occasioned to this effect. Galvez rules "As it is prayed." Prevost signs his receipt on the margin of this petition. This ends the record.

August 11.

Juan Batta. Paforet (Poeyfarre), vs. the (Joseph) Deveze estate. The deceased died intestate in Natchitoches and this is a procedure in New Orleans to collect a debt owed by him.

No. 16. 3 pp.

Court of Governor Unzaga. Assessor, Cecilio Odoardo. Escribano, Andres Almonester.

has been requested. Assessor's fees 12 reales. A marginal

Plaintiff presents the original note for 40 pesos, stating that his debtor has died at the Post of Natchitoches. He has received notice that the Commander there has made an inventory and sale of all the property, and he asks that the said Commander be ordered to pay this note out of the proceeds of this sale. Unzaga rules, on Odoardo's advice, to issue a despatch to the Lieutenant Governor of Natchitoches with an enclosure of this petition so that he may make the payment that

note states that the despatch which was ordered has been issued. The record ends here.

September 1.

Criminal Prosecution (a Marine Protest) by Captain Buena Ventura Bavi, against Pablo and Antonio Macinas, brothers, and Francisco Bobera, sailors of the Packet Boat "The Virgin of Montenegro."
No. 3. 42 pp.

Court of Governor Unzaga. Assessor, Cecilio Odoardo. Escribano, Andres Almonester.

Defendants are charged with mutiny on the high seas. After a prolonged hearing they are acquitted of this but punished for insubordination.

declarations that His Lordship can take from the rest of the people on board, particularly from Narciso Albax, purser, and an approved letter dated August 12 of last year charging these three individuals with crimes, which was written by the Captain of the Spanish schooner, Don Juan Cani de Vos to the said Albax.

In consideration that he can not have lack of discipline on board which is so necessary on ship board, and for the greater security of their lives, he prays that they be held until after his cause has been proven. In the meantime they be removed from the roll of his crew because having them on board unfits him from continuing the voyage by exposing the vessel to hidden risks.

Unzaga orders the testimony of the witnesses offered by Captain Bavi received by the Assessor and done, let the case proceed.

The first to testify is Narciso Albax, purser, in charge of the Catalan Polacre, "Our Lady of Montenegro," who declares that Antonio Masina, boatswain, had two quarrels with the Captain, one while sailing from Barcelona to Malaga, which was caused when the Captain ordered him to light a fire to make some chocolate. He resisted saying he was as much master in his place as Bavi was in his. The second dispute was about two sailors, Benito Castella and Bernardo the Younger, whom the Captain ordered him to find which he refused to do saying that he was as much as the Captain. He asked Pablo Masina, a brother, if what a sailor had said was true that he

Buena Ventura Bavi, Captain of the polacre "The Virgin of Montenegro," writes his marine protest to the Governor General setting forth that three of his sailors, Pablo and Antonio Masina, brothers, and Francisco Bobera, during all the voyage have been the heads of mutiny, Antonio Masina taking the liberty to place the guards as he pleased violating the orders of the pilot and himself, besides making attempts against the lives of the rest of those on board as appears from their proposals as he offers to prove.

They were also guilty of saying insolent things as will likewise be made evident from the

wished to kill half the crew. He answered yes, but it had been on account of the quarrel. The witness says he can not testify to anything else, except that there were disputes among three or four sailors, that the boatswain was ungovernable and that the ship came over with continuous disorder and disobedience among these individuals accused.

Domingo Antonio Vazquez, Pilot, testified that he embarked at Malaga to bring the polacre to this Province, its destination. During the voyage, Antonio Masina, against the Captain's orders removed the guards and disputed all commands given either by the Captain or himself, as pilot. When the time came to make a sounding he was ordered to do a certain piece of work but did something else instead which was according to his fancy, never wishing to subordinate himself to the Captain nor to recognize him as such. The boatswain's brother had various quarrels with Buena Ventura Bavi and with the crew. The witness heard him say that he would like to behead half the crew and that he valued life as nothing. When Francisco Bobera was ordered to make the soundings out beyond the Balise he said he did not wish to do so and that the witness, as pilot, should do so himself. There were various quarrels on the voyage from Malaga to this Province. One took place at the mouth of the Balise with the carpenter, Bernardo Cansune, whom he insulted by calling him dirty and crazy. He further adds that Francisco Bobera looked for quarrels and the other day as they were tying up at the moorings in front of the witness he gave a boy on board, Joachin Rhua, a blow.

Juan Pasapera, a sailor, is the third witness who declares that Antonio Masina, boatswain, has come over in continual disputes with the Captain, lacking in respect to him and without any obedience to his orders. One day the Captain told him to light a fire and to make some chocolate, being opposed to this request he would not consent and made fun of the Captain. He said, publically, that if the Pilot did not take them to Saluamento, for each peso gained he would give as many more stabs with a poniard. Pablo Masina was in the same class as his brother, the witness had heard him say one day when he had had a quarrel with another that he would like to cut the throats of half the crew. One night when the pilot was disposing of the riggings Pablo opposed him saying that he would make an uproar if the sails were moved. He called the pilot a filthy Galician and said he did not understand anything. Francisco Bobera used vile language and while having a quarrel with Benito Castello said to him: "If thou wert a man thou wouldst fight with me on land." He had another quarrel this time with the carpenter while entering the Balise. He called him a filthy, dirty, crazy man.

After taking the testimony of these three witnesses Unzaga on Odoardo's advice rules: Issue a writ of imprisonment

against Pablo and Antonio Masina and Francisco Bobera, seize their possessions, make the imprisonment evident by certification of the warden of the prison and proceed with the prosecution. The writ was issued and served. Nicolas Fromentin, deputy sheriff, testifies that he arrested Pablo Masina and Francisco Bobera but could not put Antonio Masina in prison as he found him sick at the Charity Hospital. The deputy sheriff accompanied by the escribano then seized the possessions of these three seamen which by inventory appear as follows:

Pablo Masina's possessions consisted of an old chest in which were found an India linen vest, a pair of trousers, another pair of canvas (duck), one pair of blue linen trousers, another pair of very dirty linen ones, four pairs of long linen trousers, very old; two cotton handkerchiefs, two pairs of shoes for men, another red pair, four pairs of cotton yarn stockings, used; four pieces of tape for garters, nine pieces of black tape, two others, white; two pieces of soap, one pair of old blue woolen stockings, one package of pins, seven strings for a guitar, a broken mirror, three pairs of boy's shoes, nine pairs of glass drop ear-rings, eleven bass strings for violins, five other strings for the same, one knife, one cotton cap, eight pipes to smoke tobacco, one empty flask, one pair of spectacles, one iron fork, one pair of scissors. The deputy sheriff put these effects in the depository of the General Receiver, who was present and acknowledged receipt of them and obligated himself to hold them at the disposition of the Judge. The inventory is signed by both Nicolas Fromentin and Joseph Ducros. The other two seamen's chests contain about the same, mostly wearing apparel.

The prison warden having given the necessary certification that he holds the bodies of both Pablo Masina and Francisco Bobera as prisoners, the Court begins taking their confessions.

Pablo Masina is the first to be questioned. He answers to the usual formula by giving his name, says he was born in and is a resident of Barcelona, is a little more than 30 years old, married, and a sailor by profession. He was arrested by the deputy sheriff, but he does not know why.

He was asked how could he say he did not know why he had been imprisoned when his conduct against the Captain and the Pilot had been so insulting, he had interfered with and prevented the management of the ship and had incited the sailors to insurrection. He said this is false, he did not cause the mutiny.

He was reminded to speak the truth, fear God, and not to perjure himself as he was being lawfully questioned. He answered he was telling the truth and had not interfered with any one on the ship.

He was asked if he did not know that it is a crime to insult others and that it is a much greater crime when it is to a person he should obey, and that obedience is so much more necessary in navigation because of the serious fatalities that may happen from insubordination, and that the law has penalties to punish those who break them. He said he knew it was a crime but he has had no jesting with any one. The pilot fired a gun loaded with bird-shot at the prow of the ship where he, Francisco Bobera, Antonio Masina and some others were, he does not remember if the boat was in the river at that time or not but the day before Bobera had a quarrel with the carpenter in which he took part because the pilot said he would not stand for any more of it. He advised Bobera to stop quarrelling and nothing else happened. He knows that the law punishes those who insult their superiors but he has not taken any part in any of the mutiny, has not failed to obey the Captain nor had he incited the crew.

Francisco Bobera answers as to his name and says he is a native of and resident in Barcelona, 37 years of age, married, and a sailor. He was arrested by the deputy sheriff but he does not know for what cause.

He was reminded as to how it was possible he could say he did not know when as it appears he had failed in obedience to his Captain, had caused disturbances on the ship, had had quarrels with the sailors and had struck Joachim Rua a blow.

He said that it is true that he had had a quarrel with Benito Castello and with the carpenter but the words that one had said to the other were the words of sailors and of no importance. He did give a blow to the boy, Rua, because he was lacking in respect and had to be reminded of his parents. He was never wanting in obedience to the Captain who is the owner of the ship but not a sailor and knows nothing about navigation.

He was asked how he could say he was not lacking in obedience when he confesses that he had had quarrels with one of the sailors and the carpenter. He answered that in this he was not lacking in respect to the Captain who should not have mixed himself up in the sailors' quarrels because these men are the owners of their part of the ship and must obey him only in the management of the ship and not what concerns them privately one with the other.

Questioned if he knew the extent of his crime and its consequences, etc. He said yes, but the Captain and those who accuse them must know their duty so as not to vex or excite the sailors and must show themselves, likewise, as being worthy of obedience and should not cast all the blame on the accused nor hold those of his country in odium. This about ends his confession which was read to him word for word and which he ratified.

Francisco Broutin, Buena Ventura Babi's attorney, presents his client's case based on the testimony received and accused the three mutineers civilly and criminally and asks that there be applied to them the penalties established by law, marine ordinances and customs, and that they be punished so as to serve as an example to others. He stresses the seriousness of the crime of mutiny as committed against the Captain and Pilot and accuses them as disturbers of the subordination of the crew. He states that Antonio Masina (who is ill at the Charity Hospital) has fled, and asks that he be summoned by Edict with public calls made of it by the crier and when the fugitive from Justice is found place him in prison. This petition is granted, the proceedings to locate Antonio Masina is repeated three times but he was never located.

Leonardo Mazange, attorney for the imprisoned seamen, answers claiming that the testimony given proves no crime committed by his clients. They have already suffered forty days imprisonment, poor strangers in this country, miserable, many times needing common food, charged with a crime they have no knowledge of. Regarding the polacre, she sailed from this Port many days ago, this making it impossible for them to follow their occupations. He asks that the prisoners be released from arrest and placed on board any ship leaving this city for their respective countries.

The Court orders the case to go on trial within nine common days. To this ruling the prisoners answer, saying that the witnesses to prove the crime against them presented by Bavi are absent, having left on the said polacre, having returned to their destinations will not come back to the city. They ask to have the testimony of these witnesses declared as ratified. This petition is sent to Broutin who consents to the declaration of ratification. Unzaga on Odoardo's advice rules: That with the consent of both parties the testimony given by the witnesses in the summary investigation is ratified since they are absent and can not ratify it for themselves before the Court.

Unzaga on Odoardo's advice then passes final judgment in these words:

In the city of New Orleans on the sixth of December of the year one thousand seven hundred and seventy-four: Señor Don Luis de Unzaga y Amezaga, Brigadier of the Royal Armies, Intendant Inspector and Governor General of this Province for His Majesty;

Considering these criminal proceedings prosecuted by Buena Ventura Babi (Bavi), Captain of the Packet-boat named "The Virgin of Monte Negro," against

Pablo and Antonio Macina and Francisco Bobera, sailors of the crew of the said boat upon the revolt that they incited during the navigation against his person and his pilot and other companions on the said boat.

Considering, likewise, the summary information promoted by the said Babi, the act of imprisonment, the flight of Antonio Macina, the embargo of their effects and farther on the confessions and next the accusation contestation, act of proof with all the rest that has been worthy of consideration,

His Lordship said that he declared and did declare as well proven, the intention of the said Babi with regard to the insulting words of which he accuses the forementioned Macina and Bobera and as not proven the exceptions of the abovesaid (prisoners) as to this (charge) but as concerns the atrocity of the crime of mutiny (no) attempts were made against the life of the Captain nor of the Pilot; and in its consequence acquitting them as His Lordship does acquit them of it and he condemned and did condemn them for the forecited insulting words; Antonio Macina to four months imprisonment and Pablo and Francisco Bobera to what they have suffered up to now and to all for the costs jointly and in common. He orders that they be set at liberty, provided that they do not continue their voyage in the said Packet Boat, for the present they will give Juratory security to comply with this. The costs satisfied, which the present Escribano will tax, their property which was seized will be returned to them. And for this that His Lordship provided definitively judging with the advice of his Lieutenant, thus he ordered and signed, to which I attest.

(Signed) Luis de Unzaga y Amezaga; (Signed)
Doctor Cecilio Odoardo.

Pablo Masina is the first to give his Juratory security, who takes oath by God and a Sign of the Cross in conformity to law not to return to the packetboat named "The Virgin of Monte Negro," its Captain, Buena Ventura Babi, for no cause nor reason that may be offered him. He did not sign because he said he did not know how to write. The witnesses signing were Francisco Muñoz (warden of the prison), Salomon Malines and Fernando Rodriguez. Francisco Bobera then gives his Juratory security and both give formal receipts when their possessions are returned to them by Joseph Ducros, General Receiver.

The two prisoners then petition to have Antonio Masina's trunk which was seized and which contains a few pieces of wearing apparel for his own use, returned to them on their Juratory security which they promise to return to him with all due care in their own country when they see him, as he is the brother of one and a friend of the other petitioner. Unzaga rules, "As it is prayed." In their oaths of Juratory security the two sailors promise to take the trunk home with them and to deliver it either to its owner or his wife. They give a formal receipt for the trunk when delivered to them.

Costs taxed December 7, 1774, at 90 pesos, 3 reales.

On February 6, 1775, Buena Ventura Bavi sets forth that this cause has been definitively sentenced in the interval of a voyage made to the city of Havana and whereas he is obligated to give an account of his crew on his return to the city of Barcelona, he asks that he be given a certified copy of this suit which he will need, entire and authorized in due form. Unzaga rules "As it is prayed." This ends the suit.

September 13.

Incidents to the principal proceedings in the settlement of the succession of the deceased Juan Perret prosecuted by Carlos Jouet to annul clause 5 of the decedent's will.

No number. 3 pp.

Court of Alcalde Forstall.

No Assessor.

Escribano, Juan B. Garic.

Luis Ranson, empowered by Carlos Jouet, sets forth that clause 5 of Juan Perret's will is prejudicial to his right and contrary to law, and he wishes to have it annulled. Perret had two children, viz: Alphonse Perret, who had six children, and Maria Anne Perret, who had four. The estate should be divided into two equal parts and each part subdivided, but Perret instead of leaving his property in this manner by clause

5 of his will directs that his estate be divided into eleven equal parts making all the grandchildren share and share alike and not by representation of their respective parents. He asks that this clause be annulled and the estate be divided as the law provides and in order not to impede the course of the suit to settle the succession, he asks that this incident be put in a separate folder and a certified copy of it filed with the main proceedings. Petition granted. Lenoardo Mazange as attorney and curator for the minors agrees to set aside the provision of clause 5 and divide the estate as the law requires. This ends the "Incidents."

September 22.

**Francisco Blache vs.
Philip de Mandeville.**

No. 3761. 20 pp.

Court of Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Juan B. Garic.

For the return of the originals of two notes.

This is an interesting story, reflecting the terror of the people of New Orleans during the first days of O'Reilly's rule. The charge is made that de Mandeville had taken advantage of the plaintiff to compel him to give up rights against de Mandeville and he tells a tale of rough treatment from the latter, but plaintiff apparently was afraid to push the matter and he was non-suited by the Governor.

Plaintiff presents two original notes which read: "I acknowledge that in the different sums that Madame de Mandeville has counted out to me according to the note that I have made out to her, she has given me eight thousand livres in paper money of the Colony, which I promise to return to her in the same kind or in money conformable to the regulations that will be ordered by His Majesty. At New Orleans, the first of January, 1768.

(Signed) D. Carrewis or Carresis. Endorsed across the back in De Mandeville's writing, appears: "I have received from Mr. Blache the amount of the note on the other side, this 20 September, 1769.

(Signed) de Mandeville. The second note reads: "I acknowl-

edge to owe to Madame de Mandeville by reckoning to have received this day the sum of 9155 livres in a bill of exchange. At New Orleans this 21 of June, 1767. (Signed) D. Carrewis. De Mandeville's endorsement is "I have received from Mr. Blache the amount of the note on the other side this 20 of September, 1769. (Signed) De Mandeville."

Plaintiff then sets forth that it is convenient to his right that Don Philippe de Mandeville take oath in due form and without delay declare in what money he received the amounts stipulated in the two above notes and that the taking of his declaration be entrusted to the Auditor of War and done it be delivered to him.

In due course of time Antonio Philippe Marigny de Mandeville declares before the Auditor of War that he never made nor contracted with Caresses* nor has he received anything from Blache. The Carresses transactions were with his wife while he was in France. When he returned to the city his wife made him give the receipts on the backs of each note and so he does not know if his wife received the money or not. Blache can not be the legitimate party because he was exiled

* (a) The correct name is Pierre Carese one of the victims of O'Reilly in 1769. See Gayerre History of Louisiana French Domination, Vol. II, p. 303. The scribe in this case was Garic who came over from the French era and it is inconceivable that he did not know the correct spelling of the name.—H. P. D.

(b) The spelling of proper names in these Spanish Records varies according to the disposition, culture and nativity of the writer, and affected also by the effort to convert French into Spanish.—L. L. P.

from the Province and is therefore incapable of taking civil action.

Plaintiff then asks for Mrs. de Mandeville's declaration. Under oath before the Auditor of War when the two obligations signed by Carrewes are shown to her she says they will have to give her time to go to her house to reflect on what she has to answer as His Honor insisted that she speak the truth; she repeated that she would tell them in less than two hours as she did not remember now. They offered to give her the two hours' time in the Auditor's office before the escribano, but she repeated she needed to go home. With this they conclude the proceedings and giving it to her to sign she said that for the payment of the foresaid obligations she received from Blache and Carrewes two negroes and two negresses. (Signed) Fr. Mandeville. (Francisca de Lille Dupard de Marigny de Mandeville.)

Blache then asks to have the following questions put to Mrs. de Mandeville:

1. Q. What transactions did she have with him in particular, if active or passive and when?
 - A. She never has had any transactions with Francisco Blache and those with Carrewes were as stipulated in the two notes.
2. Q. Is it not true that she had made him a note for 2900 livres and another for 4400 livres and a bill for 400 pesos and another for 800 and let her say when these obligations had been paid and if she thinks they are in his possession?
 - A. This question is false in all that it contains. (Signed) Fr. Mandeville.

Francisco Blache then presents a declaration dated September 24, 1769, signed Joseph Garcia Calderon, Manuel Montes, Juan de la Plaza. Francisco Arredondo signs "I have heard what is expressed above." These witnesses certify to the truth of the following statement, which is to the effect that, on the 19th of September Mr. Mandeville entered Mr. Blache's house in an irregular manner, and with little respect not only to those who were present but to the owner of the house, demanding that he give him the notes dated in the months of October and December of the year "66"—the first for 2900 livres and the last for 4400 francs, 7 g., and a current account for 400 pesos and another for 800 pesos and if to the contrary he did not he would see to him. This was said with a threatening air and with little fear of God. Mr. Blache asked him if it was not true that he owed what is contained in the said papers. He answered in a manner most audacious, saying, even if he did owe those sums of money he knew well how to take satisfaction, the least of which was to declare Blache as

an associate of Mr. Cares, the prisoner, in private affairs. Mr. Blache made some answers to him that were in reason, saying he would not submit to his irregular conduct as he was in the most depraved disposition that a man can fall into, but as it appeared clearly to the witnesses Mandeville repeated his demands with more force and in the end carried away the papers that he had demanded, thus preventing Mr. Blache from ever taking legal action against him. This being all true they signed, believing that (anything) to the contrary would be prejudicial to their consciences. (Signed) as above.

On the strength of this declaration Blache says that he had friendship for and business interests with Pedro Carresse, criminal of State, and for this reason when His Excellency Count O'Reilly, arrived in this city and he was arrested the petitioner had great fear that their friendship, although innocent, would cause him to be arrested on a like charge. He was more or less ignorant of the laws, lives and customs of a foreign nation who came armed to take vengeance, which increased his terror. This fear was not in vain because he did not lack enemies who would exaggerate his friendship for the criminal Carresse. At this critical moment, the 19th day of September of the year 1769 (time in which the Señor Conde [Count O'Reilly] had terrorized the public with the punishments meted out, he was full of consternation), it pleased Don Philippe de Mandeville of this vicinity, to enter his house with threats of denunciation as an accomplice in Carresses' crime and to demand the notes and accounts that were contracted in the plaintiff's favor by Francisca de Lisle Dupard, de Mandeville's wife, during the eight years her husband was in France. In place of the notes he took away he delivered to him the Carresses notes (presented at the opening of the suit. —L. L. P.), with his receipt written across the back, as if he, Blache, would have been obligated to pay his friend's private debts; and as he would like this action nullified he can not make it evident in any other way than by the testimony of witnesses of the best integrity, this will appear from the attestation which he duly presents.

He prays the Court to order restored to him 2660 pesos, the full amount of the notes and accounts of which he was violently despoiled; for what the interdicted debt is worth to him or what is best adapted to the restitution that he solicits.

He also asks to have received for him the information attesting to the truth of the evidence taken in the summary investigation (*informacion sumaria de abono*)* from his fore-

*NOTE: "*Informacion de abono*," "information to make good an assertion" is called for by the interested party in case of the absence or death of his witness who has testified in the summary investigation and who can not now be summoned to ratify his declaration. This contingency makes it necessary to call other witnesses to certify to the good character, trustworthiness and ability of the absent one to speak the truth.—L. L. P.

mentioned witnesses who are absent, besides taking new testimony from these other witnesses whom he will present in due form who will be asked to declare; if it is not true that the friendship he had for Carresses was innocent; if the public were not in a terror over the prisoners that the Count had ordered executed; also to testify to the arrogant character of Don Philippe de Mandeville and if he did not profit by every occasion to make himself master of the ignorant, reserving (the right) to demand the interest in his time.

He prays to have the said document he has presented (accepted as testimony) and to order information received from his witnesses, the taking of which will be entrusted to the Assessor. He further asks that the Escribanos del numero (notaries, clerks of the Cabildo) certify, in continuation, if any act has been passed before them, or if there has been exhibited in their Archives any criminal cause against him or any decree of exile or expulsion from the Province by the Señor Conde (O'Reilly).

Unzaga rules: To the first petition, the declaration which he mentions having been presented, let the information be received which he offers and let the taking of it be entrusted to the Assessor. To the second request, let the Escribanos certify as he petitions.

Blache's last petition was dated November 23, 1774. Five months later, on April 27, 1775, Antonio Philippe de Marigny de Mandeville states that on request of Francisco Blache some questions were put to him and also to his wife, and as eight months have passed without any proceedings having been put into execution against him or his wife, he asks that Blache be ordered to continue his demands or to desist from them, in consideration that Francisco Arredondo, Captain of a schooner, is now in this city and will promptly return to Havana, who they say has given a certification prejudicial to his honor and tranquility. Unzaga on Odoardo's advice rules: Let Francisco Blache be notified that within the second day he must declare what rights he may have against this party.

Blache answers that it was ordered to receive "informacion de abono" for the witnesses who are absent and who testified in a declaration already presented, and as Francisco Arredondo, one of them is in the city, it is convenient to his right that he recognize his signature and declare according to the tenor of his foregoing petition and done let it be placed in the proceedings at the conclusion of the information admitted. Unzaga rules: Let him swear and declare to the contents as it is prayed and let the other party be cited, let (the taking of his declaration) be entrusted (to the escribano) and done, let the case proceed.

Before Juan B. Garic, Escribano, Francisco Arredondo under oath declares that the signature at the end of the paper presented where it says "Arredondo" is his own proper writing

and as he is accustomed to make and are also the words which say "he oido lo q. se expresa" (I have heard what is stated). (Signed) Franco. Arredondo. Attested before Juan B. Garic.

Mr. de Mandeville sets forth that yesterday Mr. Arredondo's declaration was taken in a lawsuit prosecuted against him by Mr. Blache and that up until now he has not been notified of the nature of Blache's demand nor the purport of Arredondo's declaration and knowing that the latter is about to return to Havana he prays the Court to decree that before he leaves he, de Mandeville, be notified of his aggressor's claims and the other's declaration so that he may answer and to demand from one and the other what would be his right. Unzaga rules: Notify the other party that within one day, precisely, he must use his right with a warning that when that time has passed he will not be heard.

When Blache fails to answer, de Mandeville presents a second petition to the effect that in the last ruling on the 2nd of the current month his opponent was ordered to answer within one day, and in peremptory terms told to formulate his demands and in default of such his (claim) would not be admitted in justice. In consideration that two days have passed without his having done so he asks that he be ordered to desist and drop all proceedings and to condemn him to the payment of all costs.

This petition is sent to Odoardo for legal advice and on May 6, 1775, a judgment is rendered which reads: Considering and whereas; Francisco Blache has not remodeled the action which he was told to prepare against Don Philippe de Mandeville, notwithstanding the long time that has passed at his representation and notwithstanding the warnings that have been given at the instance of the said Mandeville, His Lordship said he must put them in effect. He condemned and did condemn him to perpetual silence and for the costs that he has caused which must be taxed, including two pesos Assessor's fees (for this ruling). The record ends here without a taxation of costs.

September 23.

**Succession of
Francisco Doriocourt. •**

No. 22. 39 pp.

Court of Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Andres Almon-
ester.

This testate succession is opened in the usual way with an official notification of the death and filing of a certified copy of the will wherein the testator says he is a native of Morancourt, Province of Champeign, France, son of Luis Doriocourt and Anna Tous-saint, both deceased, and husband

of Francisca Marguerita Seimars de Bellile and father of three children, viz: Francisco aged eight, Maria Antonia aged five, and Maria Francisca aged one year. He names his wife tutrix and curatorix for the children and appoints as his testamentary

executors, his wife and Pedro Maria Cavaret. These named qualify and with the Court's permission make an inventory of the estate.

Note: This document is in very bad condition, water soaked and faded with just a few words left here and there, mostly in the margin.—L. L. P.

October 8.

**Francisco Joseph Le Breton
vs. Luis Piot De Launay.**

No. 21. 112 pp.

Court of Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Andres Almon-
ester.

To collect a debt.

The record is useful for its history of the LeBretton family and their financial affairs, particularly those of Cesaire LeBretton, who was assassinated by the negroes. See *La. Hist. Qy.*, 1925, Vol. 8, p. 5.

The record opens with a number of exhibits. No. 1 is a receipt for a power of attorney which has been returned to the plaintiff which appears later in a Spanish translation; No. 2 is a statement of accounts showing an indebtedness of 49,561 livres, 11 sols, 3 deniers, and is dated May 5, 1763; No. 3 is an extract from the register of the Superior Council dated November 5, 1763, and No. 4 is also an extract from the same dated May 19, 1764.

Of these the procuration is the most important as it is an explanation of the claim. It is dated

in Paris August 2, 1773, and in substance is as follows:

Before the Counsellors of the King and Notaries in the Little Castle of Paris appeared Luis Cesaire Le Bretton, Esquire, Counsellor of the King in His Court of Monnies in Paris, Lord of Bassan, Charmeaux and other places; resident of Paris on the Street of the Fasters, in the suburb of Monmartre, Parish of St. Eustace in Mr. La. Coudree's house, in his capacity as half owner in a plantation, buildings, mill, lands, negroes, etc., existing upon this said plantation and its dependencies situated in Louisiana, two leagues from New Orleans, besides all and every kind of movable and immovable property he owns in community with his deceased wife Marguerite Chauvin de la Freniere.

He wishes to divide the revenue from his late wife's share, one-half, among his four children, for this purpose he appoints his third son (Francisco Josef) Le Bretton Dorgenoy, who lives in Louisiana, to act as his agent. His second son, Le Bretton des Chapeles, having died, his share of the income goes to his heirs. He empowers this son, in his name to govern and administer the plantation and all its dependencies.

He does this because Mr. de Macarty has written him on behalf of his daughter, the widow of Le Bretton

Deschapeles (Juan Bautista Cesaire Le Bretton, assassinated by his slave, see L. H. Q. Vol. 8, No. I), who does not wish to continue the management of the plantation after the end of the year. Mr. de Macarty has been authorized to act, temporarily, by the Government but this is prejudicial to the procuration sent before.

He tells his son to revoke this judiciary authorization amicably and to take over the plantation from his sister-in-law or her father by inventory for accounts, liquidations, letters, missives and all other papers made by his deceased son. He must examine into the conditions of things as he finds them, the improvements in clearing away timber, the increase in live stock and also the state and situation of the levee on the river.

When his agent has taken charge of and administered the plantation, at the end of the year and annually he must send to the constituent, his father, his one-half interest in the fruits and revenues of the plantation except a remission of ten per cent that he will deduct from the liquid revenues of the cited one-half in indemnification and satisfaction for his care and as a salary. This ten per cent is to be drawn out after the costs and charges of the plantation have been deducted.

Each year his agent must make a summary and concise statement of the fruits and products of the plantation, also the negroes, their young children and the herds. A sworn statement of all the expenses for the administration must be certified to as true by four notable persons of the Colony. This verified statement is not only for himself but for his two other children, in consideration of the minority of his daughter, Miss Le Bretton (Margarita Luisa Victoria Le Bretton.)

He gives him the right to ask a reckoning from his daughter-in-law, Mrs. Le Bretton, or her father, Chevalier de Macarty of the administration of the crops for the years 1770, 1771, 1772 and 1773, or better say from the day of the expiration of the lease made in favor of his deceased son, as since this time the constituent has not received more than 2125 livres in a bill of exchange and 1500 livres that Mr. Le Bretton Deschapeles has paid to him on account. Mr. Le Bretton must take these two payments into consideration in making a settlement with Mrs. Le Bretton or her father.

He further directs him to regulate accounts with Mr. Maxent and Mr. De Launay. The former owes him 20,600 livres as a remainder due on a sale of an out-building sold to him November 19, 1760 for 50,000 livres. The original of this act of sale is deposited with Mr. Garic, in New Orleans. The purchaser has already paid on account 19,400 livres in April, 1765, of which

10,000 were paid to Mr. De La Ferniere. He must be charged interest on the full sum of 50,000 livres from the day the debt began, said interest diminishing in proportion after the payment of the 19,400 livres.

Concerning Mr. De Launay ask him for a settlement of his account for 43,575 livres of principal that he was condemned to pay by the Superior Council to be paid in French money with interest for the entire purchase price of the plantation the constituent sold him, this amount not having been paid he took back his plantation. Mr. de Launay was condemned to pay the interest on the sum mentioned to serve as usufruct and indemnification (the actual amount to be paid is 7104 pesos, 5½ reales). After going into further details about his business affairs in Louisiana, Mr. Le Bretton signs in Paris before Messrs. Guillaume and De Barandel.

The other exhibits are a statement of Mr. De Launay's debts dated May 5, 1765, due Mr. Le Bretton in part payment according to a decree of November 5, 1763, the other dated May 19, 1764, is a certified copy of the proceedings held at a family meeting to consider the real property and slaves sold to Piot De Launay by Louis Cezaire Le Bretton. Both judgments condemn the former to pay the latter for debts incurred in the purchase of a plantation and negroes. The payment was to be made in 2900 livres and 100 boxes of indigo, the purchaser to repair the gallery of the main house, two expert carpenters to be named to testify to the wood and labor necessary for the reparation of the said gallery.

Upon the presentation of the foregoing exhibits Francisco Joseph Cezaire Le Bretton, through his attorney and representing his father in France, sets forth that Luis Piot De Launay owes the Le Bretton estate 7104 pesos, 5½ reales by a decree of the Council dated November 5, 1763. Interest was to be computed on 8715 pesos from said date until April 5, 1765 at 5 per cent. This debt was reduced by 1567 pesos, 5½ reales according to an account adjusted and signed by Mr. Le Bretton dated May 5, 1765. The petitioner goes into much detail about the debt, saying he has made many attempts to collect without success. He now asks for a writ of execution on the judgment already obtained from the Superior Council and that the debtor be ordered to acknowledge and verify the debt. Luis Piot De Launay is ordered to pay the debt within 15 days otherwise a writ of execution will be issued against him.

Luis de Launay denies the debt and asks to have the decree pronounced against him revoked as he has already paid either in cash or in indigo to Mr. Le Bretton or his agent, Nicolas La Freniere, whose receipt dated July 9, 1766 for 1500 livres appears later.

The two parties can not agree so the case is admitted to

proof. After much litigation the Court renders a definitive sentence which is handed down July 14, 1775, to the effect that considering all transactions between the interested parties that have already taken place, it condemns DeLaunay to pay Le Bretton 3955 pesos, $4\frac{1}{2}$ reales, the liquid remains of the debt with special condemnation as to costs which must be paid each one for his own with those in common to be paid by one-half each. Costs will be taxed by Andres Armesto. Le Bretton's share amounts to $570\frac{1}{4}$ reales and De Launay's to $596\frac{1}{4}$ reales or 74 pesos $4\frac{1}{4}$ reales.

When the required time has passed without an appeal being made Le Bretton asks to have the definitive sentence consented to and passed in authority of a thing adjudged. De Launay agrees and Unzaga on Odoardo's advice confirms the sentence on August 4, 1775. However, the debt, 3955 pesos, $4\frac{1}{4}$ reales, is not paid and Le Bretton asks for a writ of execution for this amount. The writ is issued but before it is served Mr. Le Bretton presents a certified copy of a receipt for 1600 pesos in gold and silver money and says the proceedings will be stopped until the last day of October of this year at which time De Launay has agreed to pay the rest up to the total amount due. The writ of execution to remain in force in case the remainder is not paid. A taxation of these last proceedings is made at 19 pesos, $7\frac{3}{4}$ reales.

Year—1774.

Oct. 12.

**Don Santiago Beauregard
vs. The named Estevan,
Carpenter.**

No. 3762.

Judge, Doctor Don Cecilio
Odoardo, Auditor of War.

Escribano, Garic.

This record is printed in full. It was evidently abandoned by Plaintiff after hearing Defendant's answer.

The defendant is Etienne Plauché, the ancestor of all Plauchés now living in Louisiana. He was the father of Gen. J. B. Plauché who led the New Orleans soldiers in the campaign that terminated in the Battle of New Orleans, January 8, 1815, and the great-grandfather of the Editor of the Quarterly.

Interrogatory by the tenor of which the named Estevan, carpenter has to be examined, which Don Santiago Beauregard claims to be of value to him in the proceedings that he has brought against the above for having used his carts and negroes to convey some lumber.

1. Firstly, if it is true that the two carts loaded with lumber that I took possession of yesterday at half past seven o'clock are his?
2. Item what permission has he to make use of my carts and negroes?
3. Item if it is true that he has had the said lumber conveyed by my carts from Bayou Saint John up to the city?
4. Item let him declare how many trips he (the negro) has had to

make, how much he was paid for each trip, in what money, and to whom he has made the payment?

Jques. Toutant Beauregard.

Franco. Broutin.

Don Santiago Beauregard by means of Don Francisco Broutin, Attorney at the Cabildo petition in due form and according to law before Your Honor, appearing and saying that on the ninth of the current month at half past seven o'clock at night, I, before Mrs. De Grandpré's house, heard carts going by and found two of them were mine, loaded with planks for ships, conducted by a negro, named Guillermo, whom I had rented from Mrs. San Germin at the rate of eight pesos a month; I questioned him as to whose orders he had to bring them here and to whom did they belong. After much difficulty he told me they belonged to the named Estevan, carpenter, of the river who lived opposite Pedro San Pe's house, at that time the said negro was a fugitive; he conveyed the carts in front of my house where the said Estevan, with much impertinence, came to reclaim them. In consideration of which may it please Your Honor to order the abovesaid under the sacredness of an oath, which he must not delay in taking, swear and declare by the tenor of the interrogatory which I duly present and done let it be delivered to me to use for the rights that belong to me. Therefore:

To Your Honor I pray that having presented the said interrogatory, may it please you to provide and order as I have petitioned as it is from justice, costs and I swear it is not from malice and it is necessary &a.
Jques. Toutant Beauregard. Franco. Broutin.

The interrogatory having been presented let him swear and declare to its contents as it is prayed, let (the taking of his declaration) be entrusted (to the escribano and done) let (the said declaration) be delivered (to Mr. Beauregard).
(Signed) Odoardo.

Provided by Senor Don Cecilio Odoardo, Auditor of War and Lieutenant Governor of this Province for His Majesty who signed it in New Orleans the twelfth of October of the year one thousand seven hundred and seventy four.

(Unsigned).

Notification. The same day month and year, I, the escribano, notified Santiago Beauregard, in person, of the foregoing decree.

(Unsigned).

Declaration. In the city of New Orleans on the thirteenth of October of the year one thousand seven hundred and seventy four, I, the escribano, made known the foregoing decree to Estevan Ploest, of whom I received oath that he made by God, Our Lord and a Sign of the Cross, according to law under charge of which he promised to speak the truth and examined by the tenor of the foregoing interrogatory to each one of its questions he said as follows:

To the first he said that it is true that the carts belong to Don Santiago Beauregard and he answered.

To the second he said that the negro, Beauregard's driver, asked him to shorten the lumber for another negro belonging to Don Andres Jung, and that he, the witness, said "Yes" and a little after Mr. Beauregard's negro came without the cart, the witness told him that he must go to ask permission from his master and that the said negro went but he, the witness does not know if the negro went to ask permission, or not, because he has never seen him again. The witness does not know who has loaded the lumber, he only knows from the said Beauregard who has told him that he had taken possession of eighteen pieces of lumber loaded on two carts and he answered.

To the third he said that he referred to the foregoing and he answered.

To the fourth he said that they are the only trips that the said negro has made and that he, the witness, does not know of these same trips. It is true that he had promised four reales for each trip if he had his master's permission but that he has not paid them, because he does not know if he had gotten his master's permission to make the said trips as the witness had only encharged him to ask it for last Saturday at four o'clock in the afternoon and that the said Don Santiago Beauregard had told him that the trip was made on Sunday afternoon, which he did not know anything about as he had not seen any more of the negro. He answered that what he has declared is the truth under charge of his oath made, he is aged thirty seven years, and he signed to which I attest. Emended and made valid.

(Signed) Etienne Plauché.

The record ends here.

October 21.

Juan Renato Gabriel

Fazende vs.

Mr. de L'Hommer.

No. 3769. 4 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Juan B. Garic.

To collect a debt.

Plaintiff, who is agent in charge of the affairs of the King of France pending in this Colony, presents two exhibits, one dated Balise, January 1, 1766, and is Mr. de L'Hommer's receipt for flour received from Mr. Lecler, keeper of the stores at Balise during 1764 and 1765. On the back of this receipt are entries of payment which reduces the debt to 402 livres, 3 sols, 9 deniers. Exhibit two is an itemized statement of the transaction. On the strength of these two exhibits Fazende asks for a writ of execution as the defendant owes His Majesty the amount stipulated or 80 pesos, 3½ reales. Petition granted. The record ends here.

October 31.

Juan Renato Gabriel

Fazende vs.

Joseph Maria Armant.

No. 3772. 8 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Juan B. Garic.

To collect a debt.

be served who reports that Mr. Armant is absent from the city and makes his home in Natchitoches and therefore he could not put the writ into execution. The record ends here.

Plaintiff acting as above presents several exhibits of the defendants transactions in obtaining goods from the King's stores, making in all an obligation running from 1764 to 1768 and claims a debt in the King's name of 175 pesos, 4 reales, and asks for a writ of execution for this amount. Petition granted. The writ is entrusted to Nicolas Fromentin to

October 31.

Juan Renato Gabriel

Fazende vs. The Succession of Daniel Huberto La Croix.

No. 3770. 7 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Juan B. Garic.

To collect a debt.

Plaintiff as above acting on behalf of the French King, presents a number of exhibits relative to transactions and purchases from the King's stores by the deceased de la Croix, which took place between 1754 and 1756, and asks for a writ of execution for the amount of the debt, viz: 106 pesos, 1 real. The writ is ordered issued. This ends the record.

November 7.

Juan Renato Gabriel

Fazende vs. Antonio

Gilberto Maxent.

No. 15. 49 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Juan B. Garic.

To collect various debts alleged to be due the former French government in Louisiana.

The defendant was a contractor for the public works and contends that the monies charged against him were expended for account of Aubry, the King's representative during and after the Ulloa regime, and that other sums were expended for the King's account and that no part of the claim is chargeable to defendant.

The suit is compromised.

necessities to Arkansas as he was requested to do by Messrs. Aubry and Foucault.

The proceedings are the same as in the foregoing suits. Mr. Fazende as agent in charge of the affairs of the King of France in Louisiana, presents a statement of accounts running from 1762 to 1767, and claims a debt of 4589 pesos, 5 reales, and asks for a writ of execution. Petition granted, however, before it is served Maxent answers saying he owes 74 pesos, 6½ reales only and prays to have the sentence of execution revoked. He presents various interrogatorios upon which he would have witnesses called to answer.

He claims that he does not owe 1600 pesos, the price of a boat charged against him. This was used to take provisions and other

Nor does he owe 881 pesos, 6 reales for the provisions delivered to the crew of the Frigate "El Volante," as this was paid to His Majesty by Carlos de la Chaise, Keeper of the Stores of this place.

He disputes another item of 23 pesos, 2½ reales for provisions consumed by the sailors who conducted the boat that took Nicolas Foucault when he went to visit Antonio Ulloa at the Balise accompanied by Luis Andry Nicolas La Size (Delasize), Ulloa's secretary (Riez), Mr. Faures, and many others.

Another item disputed is an entry of 717 pesos, 3½ reales as there was a shipwreck and the boat with all its effects was lost in the river above Natchez. This boat was going to Illinois for the King's account.

He does not owe the item of 390 pesos, 1 real for effects entrusted to him that the Keeper of the Stores never received because these said effects were delivered to Mr. Laclede Leguest in Illinois on Mr. San Angel's order, then Commander of Illinois. Laclede paid Angel for them. The witness called for him will testify to the truth of what he has just stated.

He asks also that Mr. Fazende present the estimate of the layout and measurements of the office or workshop that he (Maxent) made for His Majesty, where the Accountant Martin Navarro now makes his home, or a copy of the certification where will be clearly seen at the end the layout of measurements of the workshop. The full amount for the two boats came to 900 pesos. This debt has been reduced by the full amount of work that he, Maxent, has done at the workshop. When the layout of measurements has been presented to him it will be seen that he has paid for the boats with his labor. He asks to have this layout of measurements delivered to him so that he can prove what he alleges.

The writ of execution which was ordered issued is now put into effect by Carlos Juan B. Fleuriau, the sheriff, who seizes 26 slaves and places them with Joseph Ducros, general receiver, who receipts for them. These slaves are then appraised on Fazende's request, who names Francisco Liotau as his appraiser. Maxent consents and appoints Esteban de Quinones to act for him. Both qualify and make an estimate of the slaves seized.

The estimate for the layout for building the two boats which Maxent asked to have Martin Navarro present is filed here. According to this statement, between March 20, 1764, and January 29, 1765, Maxent received from the French Treasury 79,950 livres, 15 sols, 5 deniers for his building as contractor of the works for the King. This statement of accounts is taken from the registry of the Treasury, the original is certified to and signed by Messrs. Foucault, Bobe, Destrehan and Thomassin. The documents to sustain this have been sent to the Court of France. This copy is made and signed by

Fazende October 28, 1778. (It is called in the text "the estimate of the layout or measuring of the counting house where the Contador Martin Navarro now lives.") Maxent still claims that he owes 74 pesos, 7½ reales only.

February 8, 1775, Unzaga on Odoardo's advice summons the two litigants for the definitive sentence but before it is pronounced, though more than a year later, May 8, 1776, Maxent pays Fazende 2938 livres, 5 sols, 8 deniers. This payment has been arranged by notarial act, a copy of which he asks to have filed with the suit and the case dismissed, and the costs taxed. The Court agrees to cancel the suit and orders Andres Lopez Armesto to tax said costs. The certified copy of the agreement to compromise ends the suit. The debt being arranged the embargo is raised and the seized property returned to the owner.

November 8.
Succession of Juana Kerroley, wife of Luis Populus de San Prother.

No. 3779. 100 pp.

Courts of Alcaldes Nicolas Forstall, Carlos de la Chaise, and Santiago Livaudais. Assessor, Cecilio Odoardo. Escribano, Juan B. Garic.

The record opens with the filing of the will, dated April 27, 1774, by which the testatrix, whose name is spelled Kerrourete or Kerouret, says she is a native of Villa del Poulay, Bishopric of Vanes in Brittany, Province of France, daughter of Francisco Kerroley and Jacaba de Kerma-beau and wife of Luis de Populus de San Prother. She is sick in

body and a paralytic in her right arm.

She declares she was married three times, her first husband was Esteban Dubourdieu, Senor de Heullet, whom she married August 24, 1724; her second husband was Bertrand Joseph Boissy whom she married September 26, 1736; and her third, Luis Populus, whom she married June 18, 1758. She has had no children by any of her marriages nor has she any forced heirs.

By her marriage contract she made a donation intervivos of all her estate except 1200 pesos, which she may dispose of at her will. She confirms and ratifies this donation to her husband and likewise the other dispositions made in her marriage contract in favor of Maria Populus, 1000 pesos and 200 to the two brothers of Maria (her step-children) which must be taken from the body of her estate.

The 1200 pesos extra that she has reserved she disposes of in this manner: to Juana Grondel, wife of Alexandro Latil, 300 pesos; to the children of Mr. and Mrs. Carlier, residents of Guarico, 300 pesos to be divided equally among them; to Agatha Pinsdé, called Bolonais, 200 hard pesos; to Ferdinand Pradier, her god-son, 200 pesos. In remuneration for good offices made to her daily she wills 25 pesos to Thomas Poree. She appoints Francisco Braquier her testamentary executor

and gives him the necessary power to sell her property at public auction and to settle her succession.

Braquier presents the foregoing will and asks to make the inventory with the consent and assistance of the interested parties. Forstall on Odoardo's advice orders the inventory taken and also that the executor and guardian must name an appraiser, the heirs and legatees doing likewise. Braquier names Francisco Liotau who qualifies. Luis Populus' son (stepson) of age, absent, appoints Francisco Broutin, as attorney to look after his interests. Luis Populus de St. Prothes names Esteban de Quinones as his appraiser, Maria Joachine Populus de San Prothes grants her power of attorney to Thomas Poree upon leaving for France. Thomas Poree having died in the meantime, his widow, Maria Vicente or Vincente, represents her husband's client.

On November 14, 1774, the inventory is begun in the presence of Alcalde Nicolas Forstall and the escribano, Juan B. Garic. There were also present appraisers Francisco Liotau and Esteban de Quinones, Francisco Braquier, testamentary executor, Leonardo Mazange, Francisco Broutin, attorneys representing Alexandro Latille for his wife, Maria Vicente, widow of Thomas Poree, empowered by Maria Jacine or Joachine Populus, Luis Pradier and Thomas Poree, legatees.

The estate consists of household furnishings, wearing apparel, slaves, and papers. Among these are the testatrix' marriage contracts with her first and second husband. The other papers mostly refer to leasing slaves, or leaving them in trust for debts, receipts, etc. As the deceased has left some wrought silver, this has to be appraised separately, and at the request of Luis Populus and his son this is done by Pedro Coudrain, a silversmith, who values the table silver at 32 pesos, 1 real.

The interested parties then ask to collect outstanding debts and to sell the estate to save expenses and to effect a partition.

At this stage of the proceedings the testatrix' husband presents a codicil that his wife added to her will dated August 11, 1773, by which she wishes to free a slave named Francisca, aged 38, that she inherited from her husband, Mr. Boissy, on condition that she serve her husband for the rest of his life.

The house furnishings, wearing apparel and silver are offered at auction and adjudicated to the highest bidders. The heirs ask to have this sale approved and that all abide by it. As this sale brings so little they ask for a sale of the slaves. Louis Populus says that among them is one named Marguerite who suffers continually from heart disease which was unknown to the appraisers when they put a value on her which is in excess of her real worth; he asks to have her reappraised.

In March, 1775, the case is resumed in Alcalde de la Chaise's Court. Three public calls are given and the slaves offered for sale at auction, one at a time and in each case adjudicated to the highest bidder.

After the sale Luis Antonio Decallogne, Nicolas Lambert, Pedro Chabert, Simon Calpha, Luis and Joseph Populus, creditors suing Luis Populus (another folio Concursus of Creditors vs. Luis Populus), say that all the property of Mrs. Populus has been sold except Marguerita, the slave with a bad heart, who was appraised at 200 pesos. They ask that she be re-appraised with her infirmity taken into consideration. The Court orders a new appraisement made of Marguerita which is effected by Esteban Joseph de Quinones and Francisco Liotau at 80 pesos. She is offered for sale at auction and sold to Antonio Reboul for 30 hard pesos.

The creditors ask for a taxation of costs of this succession which must be taken from the body of the estate. The Court orders Manuel Andres Lopez Armesto to tax the costs of the succession, which he does on April 15, 1776, at 97 pesos, 3 reales. The body of the estate must pay 97 pesos, 3 reales, Luis Populus must pay 39 pesos, 1 real, and Maria Poachina Populus 35 pesos. There is a table of general costs amounting to 103 pesos, 1 real, without stipulating who is to pay this tax, probably the universal legatee, Luis Populus de St. Prothier. There is an earlier taxation made by Garic January 26, 1775, of the proceedings in Alcalde Forstall's Court. There is no indication that these costs or the legacies were ever paid. The succession is evidently merged in the Concursus of the creditors of Populus, as the creditors insist on holding his inheritance from his wife's estate.

November 11.

**Juan Baptiste Samuel
Pellier vs. The Succession
of Juan Baptiste Grevem-
berg.**

No. 3789. 14 pp.

Court of Governor Unzaga.
Escribano, Juan B. Garic.

To collect a debt.

Plaintiff, as syndic for the creditors of Wilhiem Christian Emmerth of La Rochelle, France, presents a number of exhibits, a procuration and original notes.

He claims that J. B. Grevemberg, called Flaman, or his succession, owes his clients through debts to Emmerth, namely, 1200 pesos for the full amount of the debt besides 1223 pesos for interest due and running from 1765 in virtue of the protest of the notes which brings the debt up to 2383 pesos, 3½ reales. He asks for a writ of execution for this amount.

This petition is sent to Ana Judith Chenal, widow of the deceased Juan B. Grevemberg, called Flamand, who claims her husband has paid this debt and asks to have the suit dismissed, the plaintiff paying costs.

Mr. Pellier does not answer for three months and then alleges the widow's exceptions are frivolous and asks to receive his legitimate payment. Mrs. Grevemberg still maintains that the notes were paid and the case is ordered to proceed to trial. Signed by Galvez. This ends the proceedings. The last entry, June 12, 1775, is signed by Unzaga.

November 16.

Santiago Jacquelin vs.

Juan B. Macarty.

No. 3776. 2 pp.

Cecilio Odoardo, acting as Judge.

Escribano, Juan B. Garic.

Defendant summoned to give information.

Plaintiff sets forth that as it appears from the certificates he presents (not in the record) Mr. Macarty has given them to him in payment for 80 pesos he owes him and with these said certificates he wishes to satisfy this debt, which are to the effect that the King (of France) did not wish to pay the remainder earned by his officials in this Colony. He asks that Macarty be ordered to declare and acknowledge that this debt exists. Odoardo orders him to do so.

November 24, plaintiff declares they have come to an agreement and asks to have the notes returned and the costs taxed which he will promptly pay. This ends the record.

NOTE:—Odoardo besides being Assessor General and Auditor of War (legal adviser) was also Lieutenant Governor and possibly acted in this and the subsequent cases owing to the absence or indisposition of the Governor or perhaps for some reason personal to the latter.—L. L. P.

November 17.

Santiago Jacquelin vs.

Luis Morant.

No. 3777. 6 pp.

Cecilio Odoardo acting Judge.

Escribano, Juan B. Garic.

To collect a note.

Plaintiff presents a note for 86 pesos, 4 reales, dated December 20, 1771, signed Docmeny de Morand, which he asks to have verified. This being done he asks for a writ of execution, which is ordered issued.

December 5.

Manuel Lopez Luby vs. The La Caze Succession.

No. 8. 4 pp.

Court of Governor Unzaga.

No Assessor named.

Escribano, Andres Almonester.

To collect a note.

Plaintiff presents a note for 30 piastres dated September 23, 1767, signed La Caze, and asks that the deceased's widow verify her husband's signature. The record ends here.

December 9.

Santiago Jacquelin vs.

Vincent Morant.

No. 3778. 6 pp.

Cecilio Odoardo, acting Judge.

Escribano, Juan B. Garic.

To collect several notes.

Jacquelin presents three original notes and one statement of accounts all dated December, 1771, and asks to have a debt of 187 pesos, 4 reales verified and paid. The defendant is absent. This calls for a writ of citation which is ordered issued and is served by Nicolas Fromentin, deputy sheriff, who reports the fact to the escribano, January 28, 1775.

(To Be Continued)

